

JOURNAL OF THE SENATE.

At a General Assembly, begun and held for the State of Kentucky, at the Capitol in the town of Frankfort, on Tuesday the 31st day of December, one thousand eight hundred and forty four, it being the day appointed by law for the meeting of the General Assembly—Archibald Dixon, the Lieutenant Governor, took the Chair as Speaker of the Senate, and the following members of the Senate appeared and took their seats, to-wit:

From the first Senatorial District, Thomas James; from the third, Ninian E. Gray; from the fourth, James V. Walker; from the fifth, John G. Holloway; from the sixth, Samuel E. Carpenter; from the seventh, B. Mills Crenshaw; from the eighth, William N. Marshall; from the ninth, Francis H. Winfrey; from the tenth, Parker C. Hardin; from the eleventh, Robert A. Patterson, from the twelfth, Francis Peyton; from the thirteenth, Dillis Dyer; from the sixteenth, Camden M. Ballard; from the seventeenth, Walter C. Drake; from the eighteenth, G. Clayton Slaughter; from the twentieth, Robert B. McAfee; from the twenty first, Alfred Boyd; from the twenty second, Fountain T. Fox; from the twenty third, William Chenault; from the twenty fourth, Joseph Gilles; from the twenty fifth, John Wallace; from the twenty sixth, John Bennett; from the twenty eighth, Samuel F. Swope; from the twenty ninth, Hugh Newell; from the thirtieth, Mark E. Huston; from the thirty first, William Rodas; from the thirty second, Tucker Woodson; from the thirty third, Samuel M. Taylor; from the thirty fourth, William Conner; from the thirty fifth, Wilson P. Boyd; from the thirty sixth, Marshall Key; from the thirty seventh, Henry C. Harris; from the thirty eighth, Jeremiah W. South.

The said Thomas James, John G. Holloway, Samuel E. Carpenter, B. Mills Crenshaw, William N. Marshall, Francis H. Winfrey, Parker C. Hardin, Robert A. Patterson, Fountain T. Fox, Samuel F. Swope, and Samuel M. Taylor, severally produced certificates of their election, and took the oaths required by the Constitution of the United States, and Constitution of this State.

On the motion of Mr. Peyton,

Resolved, That the Senate now proceed to the election of Officers to serve during the present session.

James Stonestreet was unanimously elected Clerk of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and Constitution and laws of this State.

Mr. Drake moved the following resolution, to-wit:

Resolved, That the Senate now proceed to the election of Assistant Clerk, to serve during the present session.

Mr. Huston moved to amend the said resolution by substituting in lieu thereof the following, viz:

Resolved, That the Clerk of the Senate be authorized to appoint an Assistant Clerk during the present session, to be responsible for the duties of the Assistant, and that he have power to remove him at pleasure.

The question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Drake and Gray, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Crenshaw,	Rodes,
Bennett,	Dyer,	South,
Boyd, A.	Holloway,	Taylor,
Boyd, W. P.	Huston,	Wallace.
Carpenter,	Key,	Walker—17.
Conner,	Newell,	

Those who voted in the negative, were—

Messrs. Chenault,	Harris,	Peyton,
Drake,	James,	Slaughter,
Fox,	Marshall,	Swope,
Gilless,	McAfee,	Winfrey,
Gray,	Patterson,	Woodson—16.
Hardin,		

Mr. Harris moved to amend the said amendment by adding thereto the following, viz:

Whose pay shall be only five dollars per day.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	Slaughter,
Boyd, A.	Holloway,	South,
Carpenter,	James,	Swope,
Chenault,	Marshall,	Taylor,
Conner,	McAfee,	Wallace,
Drake,	Newell,	Walker,
Fox,	Patterson,	Winfrey—23.
Gilless,	Peyton,	

Those who voted in the negative, were—

Messrs. Bennett,	Gray,	Key,
Boyd, W. P.	Hardin,	Rodes,
Crenshaw,	Huston,	Woodson—10.
Dyer,		

The said resolution, as amended, was then adopted.

Mr. Winfrey nominated John D. McClure as a proper person to fill the office of Sergeant-at-Arms of the Senate during the present session.

Mr. Huston nominated John Mayhall as a proper person to fill that office.

Upon taking the vote it stood thus:

Those who voted for Mr. McClure, are as follows—

Messrs. Chenault,	Marshall,	Swope,
Fox,	McAfee,	Taylor,
Harris,	Newell,	Wallace,
James,	South,	Winfrey—12.

Those who voted for Mr. Mayhall, are as follows:

Messrs. Ballard,	Drake,	Key,
Bennett,	Dyer,	Patterson,
Boyd, A.	Gilless,	Peyton,
Boyd, W. P.	Gray,	Rodes,
Carpenter,	Hardin,	Slaughter,
Conner,	Holloway,	Walker,
Crenshaw,	Huston,	Woodson—21.

Mr. Mayhall having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

Mr. Key nominated Lewis B. Fenwick, as a proper person to fill the office of Doorkeeper of the Senate during the present session.

Mr. Boyd nominated A. G. Watts.

Mr. Fox nominated Charles F. Alexander.

Mr. Hardin nominated L. Montgomery.

Mr. Huston nominated Wm. Lackey.

Mr. Newell nominated Jos. Knott. Upon taking the vote it stood thus:

Those who voted for Mr. Fenwick, were—

Messrs. Ballard,	Gilless,	Rodes,
Bennett,	Holloway,	Taylor,
Carpenter,	Key,	Wallace—9.

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P.	Gray,	Slaughter,
Chenault,	Patterson,	Woodson—8.
Drake,	Peyton,	

Those who voted for Mr. Alexander, were—

Messrs. Crenshaw,	Fox,	Winfrey—5.
Dyer,	Walker,	

Those who voted for Mr. Knott, were—

Messrs. Boyd, A.	James,	Newell,
Conner,	Marshall,	South—8.
Harris,	McAfee,	

For Mr. Montgomery—Messrs. Hardin and Swope—2.

For Mr. Lackey—Mr. Huston.

No one having received a majority of all the votes given, on the motion of Mr. Hardin,

Resolved by the Senate, That hereafter in voting for Doorkeeper, they will drop the hindmost.

The Senate proceeded to vote a second time for Doorkeeper, and the vote stood thus :

Those who voted for Mr. Fenwick, were—

Messrs. Ballard,	Holloway,	Taylor,
Bennett,	Key,	Wallace—8.
Gilless,	Rodes,	

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P.	Drake,	Peyton,
Carpenter,	Gray,	Slaughter,
Chenault,	Patterson,	Woodson—9.

Those who voted for Mr. Alexander, were—

Messrs. Crenshaw,	Fox,	Winfrey—5.
Dyer,	Walker,	

Those who voted for Mr. Lackey, were—

Messrs. Harris,	Huston,	Swope—3.
-----------------	---------	----------

Those who voted for Mr. Knott, were—

Messrs. Boyd, A.	James,	Newell,
Conner,	McAfee,	South—6.

For Mr. Montgomery—Messrs. Hardin and Marshall—2.

No one having received a majority of all the votes given, a third vote was taken, and it stood thus :

Those who voted for Mr. Fenwick, were—

Messrs. Ballard,	Harris,	Rodes,
Bennett,	Holloway,	Taylor,
Gilless,	Key,	Wallace—9.

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P.	Hardin,	Peyton,
Drake,	Marshall,	Slaughter,
Gray,	Patterson,	Woodson—9.

Those who voted for Mr. Alexander, were—

Messrs. Carpenter,	Dyer,	Walker,
Chenault,	Fox,	Winfrey—7.
Crenshaw,		

Those who voted for Mr. Knott, were—

Messrs. Boyd, A.	James,	Newell,
Conner,	McAfee,	South—6.

For Mr Lackey--Messrs. Huston and Swope--2.

No one having received a majority of all the votes given, a fourth vote was taken, and it stood thus:

Those who voted for Mr. Fenwick, were—

Messrs. Ballard,	Gilless,	Rodes,
Bennett,	Harris,	Taylor,
Boyd, A.	Key,	Wallace—10.
Conner,		

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P.	Holloway,	Peyton,
Chenault,	Marshall,	Slaughter,
Drake,	Patterson,	Woodson—10.
Gray,		

Those who voted for Mr. Alexander, were—

Messrs. Carpenter,	Fox,	Swope,
Crenshaw,	Hardin,	Walker,
Dyer,	Huston,	Winfrey—9.

Those who voted for Mr. Knott, were—

Messrs. James,	Newell,	South—4.
McAfee,		

No one having received a majority of all the votes given, a fifth vote was taken, and it stood thus:

Those who voted for Mr. Fenwick, were—

Messrs. Ballard,	Harris,	Rodes,
Bennett,	Key,	South,
Boyd, A.	McAfee,	Taylor,
Conner,	Newell,	Wallace—13.
Gilless,		

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P.	Holloway,	Peyton,
Chenault,	Huston,	Slaughter,
Drake,	Marshall,	Swope,
Gray,	Patterson,	Woodson—12.

Those who voted for Mr. Alexander, were—

Messrs. Carpenter,	Fox,	Walker,
Crenshaw,	Hardin,	Winfrey—8.
Dyer,	James,	

No one having received a majority of all the votes given, a sixth vote was taken, and it stood thus:

Those who voted for Mr. Fenwick, were—

Messrs. Ballard,	Holloway,	South,
Bennett,	Key,	Swope,
Boyd, A.	Marshall,	Taylor,
Conner,	McAfee,	Wallace,
Gilless,	Newell,	Walker,
Harris,	Rodes,	Winfrey—18.

Those who voted for Mr. Watts, were—

Messrs. Boyd, W. P.	Dyer,	James,
Carpenter,	Fox,	Patterson,
Chenault,	Gray,	Peyton,
Crenshaw,	Hardin,	Slaughter,
Drake,	Huston,	Woodson—15.

Lewis B. Fenwick having received a majority of all the votes given, was declared duly elected Doorkeeper of the Senate during the present session. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

The Clerk, with the concurrence of the Senate, appointed Theodore Kohlhas Assistant Clerk. Whereupon he took the several oaths required by the Constitution of the United States, and the Constitution and laws of this State.

On the motion of Mr. Peyton,

Resolved, That Thomas D. Tilford be allowed a seat in the Senate for the purpose of reporting its proceedings for the "Commonwealth."

On the motion of Mr. Rodes,

Ordered, That a message be sent to the House of Representatives to inform them that the Senate have met, elected their officers, and are now ready to proceed to legislative business, and Mr. Rodes was directed to carry said message.

A message was received from the House of Representatives, announcing that they had met and organized, and are now ready to proceed to legislative business.

Ordered, That the Public Printer print 150 copies of the Rules of the Senate for the use of the General Assembly.

Messrs. Harris, Patterson and Gray, were appointed a committee on the part of the Senate, to wait upon the Governor and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

A message was received from the House of Representatives announcing that they had appointed a committee on their part to wait on the Governor, and inform him that the General Assembly have convened, and are now ready to receive any communication he may think proper to make.

The committee on the part of the Senate retired, and after a short time returned, when Mr. Harris reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he would make a communication, in writing, to each House immediately.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State, which was read as follows, viz:

*Gentlemen of the Senate
and House of Representatives:*

Since the 14th of December, 1843, six per cent. State bonds for \$1,000 each, and payable thirty years after date, have been issued to the amount of three hundred and fifty six thousand dollars. One hundred and fifty one thousand thereof were given in exchange for six years bonds previously issued; one hundred and fifty one thousand were paid to Contractors of public works; fifty thousand were given in part payment of money borrowed from the Bank of Kentucky in 1840, by the Commissioners of the Sinking Fund; two thousand for the redemption of State scrip at the Northern Bank of Kentucky, and two thousand for repairs of the public works on the Kentucky river.

Whilst by these issues three hundred and fifty six thousand dollars have been added to the amount of six per cent. thirty years bonds which were outstanding on the 14th December, 1843, the amount of six years bonds, outstanding at the same time, has been diminished one hundred and fifty one thousand dollars; so that the aggregate amount of bonds now against the State, exceeds the aggregate amount on the 14th of December, 1843, only two hundred and five thousand. Whilst this is an apparent, it is not, with the exception of a small amount expended on the Kentucky and Green river navigation, an actual increase of the public debt. The State was already resting under the liabilities which bonds have been issued to discharge, and the apparent increase of the public debt is nothing more than the result of the State's changing the form of her liabilities, and placing them in the process of final liquidation.

The present debt of the State, including as well bonds issued before the 14th of December, 1843, and not taken up in exchange, as bonds issued since that date, amounts to four million two hundred and sixty nine thousand five hundred dollars, (\$4,269,500,) and may be classified as follows:

5 per cent. bonds, payable 35 years after date,	- -	\$165,000
5 per cent. bonds, payable 30 years after date,	- -	450,000
6 per cent. bonds, payable 30 years after date,	- -	3,396,000
6 per cent. bonds, payable 6 years after date,	- -	129,000
6 per cent. bonds, (for repair of railroad,) payable 6 years after date,	- - - - -	99,000
Money borrowed from the Louisville Bank,	- - -	30,000
		<hr/>
		\$4,269,000

For a full analysis of this debt, showing the laws under which it was created, I refer you to the statement of the Secretary of State which accompanies this communication.

The interest on this debt is chargeable to the Sinking Fund, payable half yearly, and amounts, annually, to two hundred and fifty thousand dollars. The interest, as it has hitherto accrued, has been met promptly; and I am exceedingly gratified to have it in my power to inform you that the resources of the Sinking Fund, unless affected by unforeseen results, will be sufficient to enable the Commissioners of that Fund to discharge, punctually, the accruing interest as it shall become payable in the coming year. But the credit of the State is a jewel too precious to have its lustre liable to be dimmed by the happening even of a contingency. There is, I am sure, no sentiment in which all parties in Kentucky more heartily unite, than that of maintaining the faith and credit of the State; and nothing would more likely bring upon Representatives the displeasure of their constituents than their neglect to provide whatever amount may be required to overcome contingencies, and meet, with promptitude, the demands against the State whenever they become payable. As it is on the Sinking Fund we rely to pay the interest on our public debt, and preserve the credit of the State, and as an increased burden has been made chargeable to that fund, it is respectfully suggested to you, if it would not be proper to put under the control of the Commissioners of the Sinking Fund, the rent which has accrued and may hereafter accrue under the lease of the Lexington and Ohio Railroad. At present, the rent, as received, for the lack of authority to apply it to any purpose, is laid away in the vaults of the Bank for safe keeping. Placed under the control of the Commissioners, as much of it as necessary might be applied to the payment of interest on the debt which was incurred by the repairs of the road, and the residue to such other purposes as, in

the discretion of the Commissioners, might be most proper. With the assistance of the rent of that road, I feel a perfect confidence that, under the most unfavorable circumstances, the interest chargeable to the Sinking Fund and payable in the coming year, may be promptly paid.

The Commonwealth is under other liabilities, the accruing interest on which is, however, not chargeable to the Sinking Fund, but payable out of the Public Treasury :

She is indebted to the Education Fund—

5 per cent. bonds,	-	-	-	-	-	\$850,000
6 per cent. bonds,	-	-	-	-	-	67,000
Total amount,						\$917,000
Interest on these bonds up to January, 1845, which remains unpaid,	-	-	-	-	-	198,430
Total, principal and interest,						<u>\$1,115,430</u>

As guarantor, the Commonwealth is also bound for the payment of the principal and interest of bonds executed by the Lexington and Ohio Railroad Company, to the amount of one hundred and fifty thousand dollars.

The report of the Second Auditor, with which you will be furnished, contains a full statement of the revenue and resources of the Treasury ; and from that there can be no doubt as to the capacity of the Treasury to discharge all claims that may come against it, for the fiscal year ending the 10th of October, 1845. The receipts into the Treasury for the year ending the 10th of October, 1844, amounted to the sum of three hundred and ninety thousand one hundred and forty nine dollars, and forty nine cents, (\$390,149 49;) and the credits in favor of the Treasury for the same time, amounted to three hundred and forty nine thousand and thirty five dollars, and nineteen cents, (\$349,035 19;) which, deducted from the amount of receipts, left a balance in the Treasury on the 10th of October, 1844, of forty one thousand one hundred and fourteen dollars and thirty cents, (\$41,114 30.) The receipts for the year ending October the 10th, 1845, are estimated to amount to the sum of three hundred and ninety two thousand four hundred and twenty two dollars and ninety eight cents, (\$392,422 98;) and the demands against the Treasury for the same time, are estimated to amount to the sum of three hundred and sixty six thousand three hundred and seventy nine dollars and fifty four cents, (\$366,379 54;) which deducted from the estimated receipts, leaves an estimated balance in the Treasury, on the 10th of October, 1845, of twenty six thousand and forty three dollars and thirty nine cents, (\$26,043 39.)

But, whilst we are assured of the capacity of the Treasury and the Sinking Fund to discharge the claims as they may accrue against each, we are admonished by the smallness of the surplus above the demands, to be guided

in the exercise of our official functions, by principles of strict economy, and to guard, as far as may be, against any increase of the public debt. Instead of adding to the debt already contracted, we should be devising ways and means by which it may be diminished.

It is not my purpose to reflect upon those through whose instrumentality the present debt was created. They were doubtless influenced by the best of motives, and their labors have resulted in great benefit to the country. Eight hundred and ninety eight miles of roads which were formerly in many places difficult to pass, and in some seasons impassable, have been converted into graded and McAdamised highways, over which every class of carriages of burthen and of pleasure, pass with ease and convenience at all times; and streams which were formerly incapable of being navigated, except in times of flood, have been converted into rivers navigable at all times, three hundred and sixty three miles; and a railroad has been taken from a state of dilapidation and placed in a condition for commodious and dispatchful transportation of men and things between Frankfort and the city of Lexington. The beneficial effects of these improvements are felt by all; and many who, from apprehensions of its impracticability, were, at first, opposed to improving the river navigation, are now its most ardent advocates. I doubt not, public sentiment will, in time to come, force the extension of the river navigation, and I regret that the financial condition of the State forbids it being undertaken at present.

But how are the obstacles to the further improvement, wealth and aggrandizement of our State to be overcome? They would, I doubt not, have been overcome, and overcome too without increased taxation, if the contest through which the American people have recently passed, in the election of a President of the United States, had resulted differently. The administration of the General Government would then have been brought back and conducted on the principles adopted and acted upon by the Fathers of the Constitution, which regarded the government as a creation for the benefit of the people, and made the wants of the people the basis of all legislation. The people of the respective States would then have been brought to realize their States' just proportion of the proceeds of the public domain—a result which, if earlier obtained, might have saved some of the States of this confederacy from the humiliation of bankruptcy, and the unblushing disgrace of repudiation. They would then have realized the beneficial effects of a National Currency of equal value throughout the Union, and at all times convertible into gold and silver. They would have enjoyed the assurance of the permanent settlement of the true American principle—the principle on which the Tariff of 1842 was enacted—the principle of protection to American labor and American interests. The influence of these salutary measures, wisely regulated and judiciously guarded, would not only

have inspired confidence, and infused energy and enterprise throughout the community, but, with the assistance of wholesome legislation by the States, would have elevated the character and promoted the prosperity of the States. And whilst the people were relieved from their burdens, and educated and made happy; and the States delivered from their harrassing debts, the very policy achieving these benign results, would, of necessity, at the same time, have elevated, aggrandized and strengthened the confederacy. But the fortunes of the day were lost to the advocates of these efficacious measures. What is now to be expected? What are to be the consequences? Are the people to be deprived of the benefit of these salutary measures? Is the currency forever to remain local, vacillating and unsafe? Is the Tariff of '42 to be repealed, and the pursuits of American laborers declared unworthy of protection, and their interests crushed to make way for foreign interests and foreign labor? Are the States to be always kept out of their just share of the proceeds of the public domain, whilst their people are ground down by taxes, or learning to look with complacency on a voluntary and dishonest repudiation of their public debts? Are all these disastrous consequences to flow from the unhappy result of the recent struggle? We must hope not. If we believe the measures enumerated to be essential to the well-being of the country, it would be ignoble and unpatriotic to abandon their advocacy, or despair of their success. We ought to rely on the intrinsic merits of the principles we espouse, for if they contain *truth*, as we feel well assured, they must, sooner or later, triumph over all opposition, and become the settled policy of our country. Defeat should not make us despond, but rather inspire us with more unshaken determination; for what is our boasted love of principle and country, if we abandon both when most in danger? and what is our courage worth, if it fail us in time of trial? The opinion of the people of Kentucky on these subjects has been often expressed and cannot be misunderstood; but, under the present aspect of affairs, you will not fail to reiterate that expression in such manner as you may deem most appropriate and emphatic.

It is also worthy of mature consideration, whether something may not, and ought not to be done to guard more effectually the purity of elections. We should not be deluded with the fallacious notion held out by eulogists of our institutions, that because riot and blood-shed are absent at the polls, a candid and honest judgment is always obtained from the people. We must shut our eyes against the light of experience, and be altogether ignorant of what is passing around us, not to know that bribery, illegal voting, and other corrupt practices often pollute the elections of the country.—And if it be true, as there is, I fear, too much reason to believe, that success in elections to the highest offices have, on some occasions been produced through fraud practiced upon the law and the ballot box, how great the necessity,

and how imposing the duty of law-makers to provide against the repetition of such heinous offences. Unless these frauds on the ballot box be checked—frauds made systematic by party tactics, and rendering omnipotent the party perpetrating them—enabling it to postpone the merits of the greatest Statesmen, and place in power partizans and men without merit; we shall soon be a bye-word and reproach among nations—and not without reason—for the respect of the people for their government must soon be destroyed by the evils we have enumerated, and that being gone, there is no other guaranty for the perpetuity of our institutions. I cannot, therefore, too earnestly urge upon you the propriety of giving this subject that consideration which its importance merits, and of enacting such laws as may guard effectually the purity of elections. The enactment of such laws is not only due to the people of this State, but is demanded by the obligations we are under to the people of each of the United States, all of whom are essentially interested in the elections of every State in the Union, for officers who are required by the Constitution of the United States to be elected by the voters of all the States. And may we not, in return, expect that each of the other States, under the influence of the same high obligations, will not fail to adopt measures equally effective in the preventing of corruption and preserving purity in their elections?

The condition of the Penitentiary claims your early attention. A few days only before I came into office the interior buildings of that Institution, except the cells, were consumed by fire. The fire broke out in the night, but whether caused by accident, neglect, or design, I am unable to communicate satisfactory information. The books and accounts of the Penitentiary were preserved without damage, but the loss in buildings, machinery, tools, manufactured articles, and raw materials, must be considerable, though difficult, if not impracticable to be correctly ascertained. In estimating the loss, some aid may possibly be derived from statements which I have caused to be made out by the Clerk of the Penitentiary, and which are herewith transmitted. In those statements the loss is estimated and presented in a double aspect—one is exhibited by the valuation made by Messrs. Apperson and Bullock, of the stock, tools and machinery, which were received from the late Keeper of the Penitentiary; and the other is exhibited by the valuation of the same articles made by Messrs. Glover, Needham, Scott and others. According to the former estimate, the total loss (except buildings,) sustained by the Penitentiary, amounts to twenty two thousand three hundred and fifty five dollars and ninety seven cents, (\$22,355 97;) and according to the latter estimate the total loss, with the same exception, amounts to thirteen thousand nine hundred and eighty one dollars and eighty three cents, (\$13,981 83). Whether either of these estimates be correct will be for the wisdom of the Legislature to determine. But in connection with

this subject it is proper to remark that there is an unsettled account between the Commonwealth and the late Keeper of the Penitentiary, the final adjustment of which materially depends upon what may be done by the Legislature in respect to those valuations. The valuation of Messrs. Apperson and Bullock was made under an appointment for that purpose by the Commissioners of the Sinking Fund, authorized by an act of the General Assembly, approved March 8th, 1843. The Commissioners were also by the same act, authorized to settle the account between the Commonwealth and the Keeper of the Penitentiary. But after the valuation was made by Messrs. Apperson and Bullock, and when the present Keepers were about receiving the possession of the Penitentiary, an objection was made by them to accepting the stock, tools and machinery, at the valuation of Apperson and Bullock; and a remonstrance to that effect was drawn up and presented by them. The present Keepers afterwards procured a valuation of the property to be made by Messrs. Glover, Needham, Scott, and others. The two valuations differ so widely that it was thought most proper by the Commissioners not to conclude the settlement with the late Keeper until the subject was brought before, and acted upon, by the Legislature.

The destruction of the buildings of the Penitentiary, seems never to have been contemplated by the Legislature, as there is no law to meet such an event. New buildings were indispensable, as well for the comfort of the inmates, as the management of the Institution. But there was no authority for any one to contract for the Commonwealth. The Legislature might have been convened, but not without cost equal, if not exceeding the cost of any building that could have been erected before the time for the regular session; and from the advanced season for building, nothing was likely to be gained in forwarding the buildings by a call of the Legislature. Under these circumstances, I was induced by what I believe to be the true interest of the Commonwealth, and the Institution, to advise the immediate commencement of new buildings. But the interest of the Commonwealth in the profits of the Penitentiary is placed by law under the control of the Commissioners of the Sinking Fund; and it was thought proper to obtain their concurrence in whatever might be done. The Commissioners were consulted, and in their name, the Keepers of the Penitentiary were advised to erect new buildings, under certain limitations and provisions, the import of which is contained in a writing, approved and executed by the Keepers and their securities in their official bond: a copy of which writing is herewith transmitted. Under the advice so given, and in accordance thereto, a new building has been put up.

I trust that what has been done in respect to this matter will receive the approval of the Legislature. Care was taken to avoid doing anything that might, in any degree, embarrass the action of the Legislature. It was

thought to be worthy of the mature deliberation of the Legislature whether some sort of restriction might not, advantageously to the community, be put upon the present unlimited power of the Keepers in the management of the Institution; whether it would not be beneficial to the industrial pursuits of the country to limit somewhat the mechanical operations in the Penitentiary, and confine the business mainly to manufacturing. With a view to this object, the dimensions of the new building have been made to differ, in some respects, from the former building, but may be applied to any purpose which, in its wisdom, the Legislature may direct.

The work was conducted by the Keepers, under the supervision and control of Messrs. Wingate and Stealey, who were appointed by me, as agents, for that purpose. The building is two stories high, forty feet wide, and two hundred and twenty feet long. The entire cost of the building, including materials and labor, is five thousand six hundred and sixty eight dollars and ninety five cents. An account containing the particular items of cost, has been made out and will be laid before you. Temporary workshops were also constructed at a cost, in materials and labor, estimated at eight hundred and seventy dollars and forty two cents.

Should a change in the management and business pursuits of the Penitentiary be deemed politic, the Keepers of the Penitentiary, I am sure, will raise no objections. In that, as in all other matters, the Keepers have displayed a becoming desire for the advancement of the public interest, and have indicated a willingness to submit to the untrammelled action of the Legislature. Under their obligations to the Commonwealth, the responsibility brought upon the Keepers by the destruction in the Penitentiary, is heavy, and if wholly exacted, their loss will be grievous. It will be for the Legislature, in view of all the circumstances, to take such action as in their judgment may be calculated to advance the interests of the Commonwealth and the Institution, and bring to a final adjustment the unsettled accounts and conflicting interests of the Commonwealth and the former and present Keepers of the Penitentiary, upon principles alike just and liberal to each.

In looking to the further extension of new buildings, it may not be unworthy of consideration whether the outward walls of the Penitentiary will not, at no distant day, have to be enlarged so as to comprehend more space for the business of the Institution; and if so, whether provision ought not to be made for the procurement of additional ground for that purpose.

The report of the Keepers will afford more detailed information in regard to the condition of the Penitentiary, and you will be furnished with such papers and documents as are in my possession, and which may be useful in your deliberations.

The report of the Commissioners of the Sinking Fund will exhibit to you fully, the liabilities and resources of that fund, and present a statement of

their transactions in the present year. A large amount of coupons which have been taken up, are now in the possession of the Commssioners, and they will become possessed of others as payment is made of the accruing interest on the State bonds. The coupons are on small slips of paper, and if, by accident or otherwise, they should come into the possession of others, the State might possibly be subjected to repayment. It is suggested, therefore, as prudent, to provide in some manner for the coupons to be copied into a book, or books, to be kept for that purpose, as they are received by the Commissioners, and then destroyed by burning before such persons as the Legislature may designate.

Information will be communicated to you by the Board of Internal Improvement in respect to all matters appertaining to their duties. The act of the last session of the Legislature, providing for the State's indebtedness to Contractors for work done, has been so far complied with, that it is believed by the Board, that not more than twenty thousand dollars remain to be paid.

It is gratifying to find, that the profits of the State, derived from works of public improvement, are increasing yearly; and the increased profits from the roads would, I am confident, have been greater, if those having the control thereof, were all brought to strict accountability. It will be discovered from a statement made out by the Auditor, and which is herewith transmitted, that an unreasonable and striking difference exists between the amount received by the State from the several roads. Whilst, to the credit of the managers of part of the roads, large sums have been paid by them into the Treasury, the managers of other roads have paid but little, and, in some instances, have paid nothing, and report nothing to be coming to the State. This difference may result, and doubtless has, in some cases, from causes not within the control of the managers; but I feel assured it has, in other cases, resulted from causes entirely inexcusable. The interest of the State as well as that of private stockholders, requires strict scrutiny into this matter, and calls for such amendments of the laws as may bring about better management of the roads, and impose more rigid accountability for the profits. The receipts into the Treasury from managers of roads for the fiscal year ending October 13th, 1843, amounted to thirteen thousand five hundred and two dollars and ninety eight cents, (\$13,502 98,) and the receipts from the same source for the year ending Oct. 13th, 1844, amount to eighteen thousand eight hundred and five dollars and one cent, (\$18,805 01.) The receipts into the Treasury from the Kentucky river navigation for the fiscal year ending October 13th, 1843, amounted to three thousand nine hundred dollars, (\$3,900;) and the receipts from the same source for the year ending October 13th, 1844, amount to ten thousand eight hundred and sixty three dollars and forty five cents, (\$10,863 45.)

The lessees of the Railroad have paid, half yearly, the rent as it fell due under their lease, and will, I doubt not, pay, with equal punctuality, the accruing rent for the residue of their term. Each half yearly payment amounts to eight thousand five hundred dollars. The total amount which has been paid is twenty five thousand dollars. The lease commenced on the 14th day of March, 1843, and terminates on the 14th day of March, 1850.

The Green and Barren river navigation is placed by law under the superintendence of Commissioners appointed for that purpose, whose report may be expected to contain full information as to those works of improvement. I have received no official communication from the Commissioners, but have been informed that the foundation of the Lock on Barren river has given way, and that in repairing the breach, it may be necessary to rebuild the Lock. It is important that suitable provision be made to preserve that Lock from destruction. I am in possession of no information as to the amount of the profits from the navigation of the Green and Barren rivers for the present year, but the amount received into the Treasury from this source, for the fiscal year ending October 10th, 1843, was four thousand five hundred and fifteen dollars sixteen cents, (\$4,515 16.)

The Superintendent of Public Instruction will communicate to you full information in respect to the operations of the Common School system, and its present condition and prospects. It will give me great satisfaction to co-operate with the Legislature in any measure which may be devised to improve and bring into more useful and efficient operation the present or any other system of Common Schools. Great care should be observed not to encroach on the fund set apart for this purpose, nor suffer it to be taken or applied to any other object. The purpose of education to which that fund is already dedicated, addresses itself to the consideration of all who feel an interest in their own welfare, or in the welfare of their country, and deserves to be cherished by the most exalted patriotism.

The suit which was brought by the Bank of Kentucky against the Schuylkill Bank, to recover for the loss sustained by the fraud of the latter, is yet in progress and undetermined. But I am informed by the President of the Bank of Kentucky, that the cause is now prepared for trial, and it is expected to be determined at the coming spring term. The loss sustained by the commission of this fraud has compelled the Bank of Kentucky to lessen the dividends to stockholders, and operated seriously to the injury of the State and Sinking Fund, both of whom are stockholders.

It is believed, however, that through the well directed operations of the Bank, it will, at no distant period, have recovered from the loss, and be placed in a condition not longer to withhold from its stockholders any portion of the accruing profits. The ability of that Bank, as well as that of the Northern Bank of Kentucky, and the Louisville Bank to discharge all

their liabilities, is unquestionable; and each and all of them, merit and justly deserve, the full confidence of the country. The loans which were made by the Banks under the act, approved March 8th, 1843, have, I am assured, been discharged with uncommon punctuality, and free from loss.

Being assembled from every part of the State, you must have a more intimate knowledge than I possess, of the wants and necessities of the people, and in discharging the trust with which you have been invested by them, you will not fail to entertain a proper regard for their welfare, and adopt such measures as may tend to advance their interest and promote their prosperity.

Entertaining for you, individually, feelings of high regard, I indulge the hope that all your deliberations may be conducted with entire harmony, and that it may be the pleasure of the Great Ruler of events—to whom we all should be profoundly grateful for his many distinguished blessings—so to guide and direct your labors, as that they may result in great benefits to the country.

WILLIAM OWSLEY.

DECEMBER 31, 1844.

A Statement showing the amount of the Public Debt of the State of Kentucky, to the 16th day of December, 1844.

20

Date of issuing Bonds.	Amount of each issue.	To whom issued and delivered.	Date of the law authorizing the issue.	Amount authorized to be issued under each act.	Amount issued under each act.	When reimbursable or payable.	Rate of interest.	Remarks.
May 25, 1835, August 1, 1835,	\$ 100,000 100,000	Bank of Kentucky, Prime, Ward, & King,	{ Feb. 28, 1835.	\$1,000,000	\$200,000	30 years,	5 per cent.	
April 25, 1836, June 1, 1836,	100,000 50,000	Northern Bank of Ky. Bank of Kentucky,	{ Feb. 29, 1836.	1,000,000	150,000	30 years,	5 per cent.	
April 1, 1837,	165,000	War Department,	Feb. 23, 1837, }	Limited by previous acts }	165,000	35 years,	5 per cent.	
July 1, 1838,	1,250,000	American Life Insurance and Trust Co.	{ Feb. 16, 1838,	1,250,000	1,250,000	30 years,	6 per cent.	
From 22d April, 1840, to 19th Feb. 1841,	{ 32,500	Contractors & others,	Feb. 22, 1839,	1,000,000	33,000	30 years,	6 per cent. (a)	{ \$500 redeemed in 1842.
Between 22d Apl. 1840, and 19th Feb. 1841.	{ 129,000	Public Contractors,	{ Feb. 21, 1840,	1,500,000		6 years,	6 per cent. (b)	{ \$480,500 of original issue redeemed.
November 4, 1840, November 4, 1840,	235,000 180,000	Northern Bank Ky. Bank of Kentucky,	{ and		1,303,000	30 years, 30 years,	6 per cent. (c) 6 per cent. (d)	
Between April 3, 1841, and January 3, 1842, inclusive,	{ 608,000	Public Contractors,	{ Feb. 18, 1841,	196,000		30 years,	6 per cent. (e)	
Between March 3, 1842, and December 23, inclusive,	{ 367,000	Public Contractors & in exchange for six year bonds,	{ March 3, 1842,	420,000	367,000	30 years,	6 per cent. (f)	
From 23d Dec. 1842, to 14th Dec. 1843, inclusive,	{ 368,000	Contractors, and in exchange for six year bonds,	{ March 3, 1842, and March 11, 1843,	{ For exch'ge for Int. Imp. 140,000 }	-	30 years,	6 per cent. (g)	{ \$10,000 of this issue was in payment of debt to Frankfort Branch Bank.
From March 3d, 1842, to 14th Dec. 1843,	{ 99,000	Repair of Railroad,	March 3, 1842,	99,000	99,000	6 years,	6 per cent. (h)	{ Issue to repair Lex. and Ohio Railroad.
Sept. 2d, 1843,	{ 100,000	Agent of State to sell,	March 8, 1843,	1,750,000	100,000	30 years,	5 per cent. (i)	

JOURNAL OF THE SENATE.

[Dec. 31.

From Dec. 14th, 1843, to Dec. 14th, 1844,	356,000	Contractors, and in exchange for six year bonds,	March 3d, 1842, March 11th, 1843, & March 2d, 1844.	-	-	30 years,	6 per cent. (j)	\$50,000 in pay- ment of money borrowed for Int. Imp. from B'k Ky
	30,000	Bank of Louisville,	Act of Dec. 23, 1836, authoriz- ing the Board of Internal Imp. to borrow money.	-	-	temp. loan	6 per cent.	Borrowed by the Board of Internal Improvement
Total debt to 14th De- cember, 1844,	\$4,269,500							

NOTES TO THE ABOVE TABLE.

- (a) This issue was originally \$33,000. In making an exchange for 6 year bonds in 1842, a bond of \$500 was included, which reduced the issued to \$32,500.
- (b) This issue was \$609,500, of bonds of \$100 each, payable 6 years from date; the interest payable semi-annually, the 1st days of April and October in each year, at the State Treasury. \$480,500 of these bonds have been redeemed by issuing bonds of \$1,000 each, payable 30 years from date, the interest, 6 per cent., payable semi-annually in the city of New York, leaving outstanding \$129,000. The first of these bonds will fall due April 22, 1846.
- (c)-(d) Issued to the Northern Bank of Kentucky and Bank of Kentucky for moneys borrowed by the Board of Internal Improvement and expended in the construction of the Public Works. They were received by the Banks at par, with a stipulation that if more were realized the surplus should be paid to the State.
- (e) Issued to Public Contractors for work done on the Locks and Dams on the Rivers, and to Turnpike Road Companies in payment of the States' subscription of stock.
- (f) These bonds were issued principally to Public Contractors. \$40,000 of them, however, were in redemption of \$39,500 of 6 years bonds, and a bond of \$500, payable in 30 years.
- (g) The largest portion of this issue was for the redemption of the 6 years bonds which fall due in 1846 and 1847—\$10,000 of the amount were in payment of a debt created by the Board of Internal Improvement with the Frankfort Branch Bank. In the exchange of 30 years bonds for six years bonds, a premium of one per cent. has generally been charged in favor of the former.
- (h) The late Secretary of State reports that \$7,000 of this issue have been paid by the lessees of the Railroad to the Board of Internal Improvement, in part for the first half year's rent of that road. These bonds will not be re-issued, and only 92,000 are in circulation.
- (i) This issue was made under 22d section of act of 9th March, 1843, directing the issue of 5 per cent. bonds to purchase stocks in the Banks and delivered to J. Tilford, agent of the State, who sold them at 97 for each 100. Out of the proceeds 231 shares of stock in the Bank of Louisville were purchased; the remainder was deposited in the Bank of America, to the credit of the Commissioners of the Sinking Fund.—(See Gov. Letcher's message of 26th February 1844—H. R. Jour. of 1843-4, page 468.)
- (j) A portion of this issue was made to Public Contractors, under the act of 2d March, 1844; the remainder in redemption of 6 years bonds, except \$50,000, which were in payment of a debt due the Bank of Kentucky, for money borrowed at different times by the Board of Internal Improvement.

Present amount of debt, - - - - - \$ 4,269,500

OFFICE OF SECRETARY OF STATE,
December 16, 1844. }

BEN. HARDIN, Secretary of State.

Statement showing the amount, &c., of State Bonds issued to the Board of Education and Commissioners of the Sinking Fund.

Date of issuing Bonds.	To whom issued and delivered.	Amount.	Date of law authorizing the issue.	When reimbursable or payable.	Rate interest.	Remarks.
1837, May 15,	- - - Board of Education, -	\$ 500,000	} Act of Feb. 23d, 1837.	} 35 years.	} 5 per cent.	
1837, July 1,	- - - Board of Education, -	170,000				
1837, Oct. 1,	- - - Board of Education, -	180,000				
1837, Oct. 1,	- - - Com'rs Sinking Fund, -	20,000				
1839, Oct. 1,	- - - Board of Education, -	21,500	} February 23d, 1839.	} 30 years.	} 6 per cent.	
1840, Jan. 1,	- - - Board of Education, -	22,000				
1840, July,	- - - Board of Education, -	24,000				
		\$ 937,000				

RECAPITULATION.

Amount of five percent. Bonds issued to Board of Education,	-	-	-	\$ 850,000
Amount of six per cent. Bonds issued to the same,	-	-	-	67,500
Total amount issued to the Board of Education,	-	-	-	\$ 917,500
Amount of six per cent. Bonds issued to the Commissioners of the Sinking Fund,	-	-	-	20,000
Aggregate amount issued to the Board of Education and Commissioners of the Sinking Fund,	-	-	-	\$ 937,500

BEN HARDIN, *Secretary of State.*

OFFICE OF THE SECRETARY OF STATE, *December 16th, 1844.*

[*For other Documents accompanying the Governor's Message—see Legislative Documents.*]

Ordered, That the Public Printer print 3000 copies of the said message, and 150 copies of the accompanying documents, for the use of the Senate.

And then the Senate adjourned.

WEDNESDAY, JANUARY 1, 1845.

The Speaker laid before the Senate the annual report of the Second Auditor, which is as follows, viz:

REVENUE DEPARTMENT, }
Auditor's Office, Frankfort, Jan. 1, 1845. }

SIR:—I enclose the Annual Report from this Department.

I am, sir, very respectfully,

THOS. S. PAGE, *Second Auditor.*

HON. ARCHIBALD DIXON,

Lieutenant Governor and Speaker of the Senate.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

The Speaker laid before the Senate the report of the visitors of the Penitentiary, which is as follows, to-wit:

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of the said report and accompanying documents for the use of the General Assembly.

On the motion of Mr. McAfee,

Resolved, That A. E. Drapier have privileges within the bar of the Senate as reporter and correspondent for the Louisville Daily Courier, and the American Democrat.

1. Mr. Harris presented the petition of Elijah Ferrell, praying for a divorce from his wife, Sarah Farrell.

2. Mr. James presented the petition of Mrs. Martha Farrar, praying for a divorce from her husband, Edward Farrar.

3. Mr. Winfrey presented the petition of Henry Huffaker, praying for a divorce from his wife, Elizabeth A. Huffaker.

Which petitions were received and referred to the committee on Religion.

On the motion of Mr. McAfee,

Resolved, That a committee of five be appointed to examine and revise the Rules of the Senate, and report any alteration or amendments that they may deem necessary.

Messrs. McAfee, James, Rodes, Key and Walker, were appointed a committee pursuant to said resolution.

On the motion of Mr. Rodes,

Resolved, That the committee on Religion be instructed to report against all petitions for divorces where remedy is provided by law.

The Speaker laid before the Senate the annual report of the Auditor of Public Accounts, which is as follows, to-wit:

AUDITOR'S OFFICE,
January 1, 1845. }

SIR:

Please lay before the House over which you have the honor to preside, my Annual Report for the fiscal year 1844, and oblige yours, respectfully,
BEN. SELBY, Jr., *Acting Auditor*.

Hon. ARCRIBALD DIXON,
Speaker of the Senate.

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Harris—1. A bill to change and modify the law of 1833, in relation to the importation of slaves into this Commonwealth.

On the motion of Mr. Fox—2. A bill to give to the holders of Kentucky Land Warrants further time to have surveys made, and to return plats and certificates of survey to the Register's office.

On the motion of Mr. Crenshaw—3. A bill to repeal an act, entitled, an act to amend the execution laws, approved 10th of March, 1843, and for other purposes.

On the motion of Mr. Bennett—4. A bill to amend the militia law of this Commonwealth.

On the motion of Mr. Crenshaw—5. A bill to repeal an act, entitled, an act to amend the revenue laws levying a specific tax upon Gold Watches, &c., approved 10th of March, 1843.

Messrs. Harris, Peyton and Gray were appointed a committee to prepare and bring in the 1st; Messrs. Fox, A. Boyd and Huston the 2d; the committee on the Judiciary was directed to prepare and bring in the 3d and 5th; and the committee on Military Affairs the 4th.

On the motion of Mr. W. P. Boyd,

Resolved, That a committee of three be appointed to wait on the Ministers of the Gospel in Frankfort, and request them alternately to open the Senate with prayer.

Messrs. W. P. Boyd, Rodes and McAfee were appointed a committee pursuant to said resolution.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Albert G. Waggoner to be Sheriff of Cumberland county, in place of Harold P. Saufley, who refused to accept.

WM. OWSLEY.

January 1, 1845.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Fox, from the select committee appointed for that purpose, reported a bill to give the holders of Kentucky Land Warrants further time to have surveys made under the same, and to return plats and certificates of survey to the Register's office.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. McAfee moved to refer the said bill to the committee on the Judiciary.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Ballard, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	McAfee,	Rodes,
Boyd, A.	Newell,	Swope,
Conner,	Patterson,	Wallace,
Key,	Peyton,	Woodson—13.
Marshall,		

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Fox,	James,
Carpenter,	Gilles,	Slaughter,
Chenault,	Gray,	South,
Crenshaw,	Hardin,	Taylor,
Drake,	Holloway,	Walker,
Dyer,	Huston,	Winfrey—18.

Ordered, That said bill be engrossed and read a third time.

And then the Senate adjourned.

THURSDAY, JANUARY 2, 1845.

Mr. William H. Field, a member of the Senate from the fifteenth Senatorial District, appeared, produced a certificate of his election, and having taken the oath required by the Constitution of the United States, and Constitution and laws of this State, took his seat.

The Speaker laid before the Senate the Annual Report of the Treasurer, which is as follows, viz:

STATE OF KENTUCKY, }
Treasury Office, January 1, 1845. }

SIR:

Accompanying this note, is my annual report, which you will please lay before the House over which you preside.

I am, very respectfully, your ob't serv't,
JAMES DAVIDSON, *Treasurer*.

HON. ARCHIBALD DIXON,

Lieutenant Governor and Speaker of the Senate.

[For the Report—see *Legislative Documents*.]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

The following standing committees were appointed, to-wit:

On the Judiciary.—Messrs. Hardin, Gray, Patterson, Peyton and Crenshaw.

On Propositions and Grievances.—Messrs. Walker, Swope, Newell, Holloway and Taylor.

On Privileges and Elections.—Messrs. Huston, Drake, South, Carpenter and Gilles.

On Religion.—Messrs. Rodes, A. Boyd, W. P. Boyd, Marshall and Carpenter.

On Internal Improvement.—Messrs. Dyer, Field, McElroy, Woodson and Wallace.

On Finance.—Messrs. James, Helm, Field, Key and Newell.

On Education.—Messrs. McAfee, Harris, Slaughter, Palmer and Bennett.

On the Penitentiary.—Messrs. Peyton, Crenshaw, Swope, W. P. Boyd and Huston.

On Military Affairs.—Messrs. Wallace, McAfee, Gilles, Winfrey and Marshall.

On the Sinking Fund.—Messrs. Helm, Holloway and Harris.

On Executive Affairs.—Messrs. Bennett, McElroy and Conner.

On the Public Buildings.—Messrs. Chenault, Ballard, Winfrey, Conner and Drake.

On Agriculture.—Messrs. Slaughter, Rodes, Ballard, Chenault and McAfee.

On Federal Relations.—Messrs. Woodson, Patterson, Fox, Gray and South.

JOINT COMMITTEES.

On Banks.—Messrs. Field, Key and Fox.

On the Library.—Messrs. Palmer, Taylor and Conner.

On the Public Offices.—Messrs. Harris and Dyer.

On Enrollments.—Messrs. A. Boyd, South and Walker.

A message was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, William Pippin, to be Sheriff of Livingston county, in Place of Christopher Haynes, deceased.

WM. OWSLEY.

January 2, 1845.

Resolved, That the Senate advise and consent to the said appointment.

1. Mr. Huston presented the petition of Charles Bowman and others, praying for the passage of a law to close a part of water street, in the town of Taylorsville.

2. Mr. James presented the petition of Brice M. Hughes, of Hickman county, praying for the passage of a law allowing him to bring two slaves into this Commonwealth.

3. Mr. Drake presented the petition of Robert Owen and Elisha R. Whitaker, of Shelby county, members of the "Kentucky Mining Company," praying for the passage of a law authorizing them to prosecute their researches on the lands not yet sold by the State, and yet vacant and unappropriated, and so far upon the lands of others as is proper and right.

4. Mr. Woodson presented the petition of John Lafon, praying for the passage of a law to authorize him to make a conveyance for and on behalf of his infant son, John Lafon, of his interest in a certain tract of land, to Alley Collins.

5. Mr. Gray presented the petition of Archibald McGuire and others, praying for the passage of a law locating the county seat of Owsley county at said McGuire's.

Which petitions were received and referred: the 1st, 2nd and 5th to the committee on Propositions and Grievances; and the 3d and 4th to the committee on the Judiciary.

The Speaker laid before the Senate the protest of David Ballingal, against the action of the Governor in issuing the writ of election to supply the

vacancy occasioned by the resignation of John S. Morgan, in the 27th Senatorial District, and against the legality of the late election in said district.

Which was received, read and referred to the committee on Privileges and Elections.

On the motion of Mr. Harris,

Resolved by the Senate, That the Governor of this Commonwealth be requested to inform the Senate to what counties he directed the writs of election to supply the vacancy in this body caused by the resignation of John S. Morgan, Esq., and also what counties composed the district by which said Morgan was elected.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Swope—1. A bill for the benefit of the Sheriff of Grant county.

On the motion of Mr. Hardin—2. A bill to extend the charter of the Bank of the Commonwealth of Kentucky.

On the motion of Mr. Peyton—3. A bill for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

On the motion of Mr. Drake—4. A bill to regulate proceedings in chancery, in this Commonwealth.

On the motion of Mr. Hardin—5. A bill for the benefit of Robert Price and Mary Price.

On the motion of Mr. Field—6. A bill concerning securities for cost.

On the motion of Mr. Peyton—7. A bill to change the law in regard to Runaways.

On the motion of Mr. Carpenter—8. A bill for the benefit of John Whitney, of Allen county.

Messrs. Swope, Winfrey and Fox were appointed a committee to prepare and bring in the 1st; the committee on the Judiciary was directed to prepare and bring in the 2d, 3d, 4th, 5th, 6th, 7th and 8th.

On the motion of Mr. Huston,

Resolved, That so much of the Governor's Message as relates to the subject of Revenue be referred to the committee on Finance.

Resolved, That so much of the Message as relates to the subject of guarding more effectually the purity of Elections, be referred to the committee on Elections.

Resolved, That so much of the Message as relates to the Penitentiary and its present condition, be referred to the committee on the Penitentiary.

Resolved, That so much of the Message as relates to the Public Debt and the condition of the Sinking Fund, be referred to the committee on the Sinking Fund.

Resolved, That so much of the Message as relates to the subject of Internal Improvement, be referred to the committee on Internal Improvement.

Resolved, That so much of the Message as relates to the system of Common Schools, be referred to the committee on Education.

Resolved, That so much of the Message as relates to the subject of Banks, be referred to the committee on Banks.

Mr. Huston read and laid on the table the following resolutions, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three members of the Senate and five of the House of Representatives, be appointed to examine Transylvania University and the Lunatic Assylum; and that said committee report to the Legislature the prospects and resources of the former and the condition of the latter.

Resolved, That for these purposes, the committee shall have power (should it be deemed necessary,) to send for persons, papers and records.

An engrossed bill, entitled, an act to give to the holders of Kentucky Land Warrants further time to have surveys made under the same, and to return plats and certificate's of survey to the Registers office, was read the third time, and referred to the committee on the Judiciary.

And then the Senate adjourned.

FRIDAY, JANUARY 3, 1845.

Mr. Robert C. Palmer, a member of the Senate from the 19th Senatorial District, appeared and took his seat.

The Speaker laid before the Senate the Annual Report of the Keepers of the Penitentiary, which is as follows, to-wit:

OFFICE KENTUCKY PENITENTIARY, }
Frankfort, January 3, 1845. }

SIR:

Please lay before the House over which you preside, the enclosed Annual Report from this Institution.

Very respectfully, your ob't serv'ts,
CRAIG & HENRY, *Keepers Ky. Pen.*

Hon. ARCHIBALD DIXON,
Speaker of the Senate.

[For the Report—see *Legislative Documents.*]

Ordered, That the said Report be referred to the committee on the Penitentiary, and that the Public Printer print 150 copies for the use of the General Assembly.

1. Mr. Huston presented the petition of O. Kerrick and others, praying for the passage of a law to close up part of Water Street in the town of Tavlorsville.

2. Mr. Conner presented the petition of sundry citizens of Morgan county, praying for the passage of a law to add a part of said county to the county of Johnson.

3. Mr. Harris presented the petition of Edwin Trimble, Clerk of the Floyd Circuit Court, praying for the passage of a law authorizing the Auditor to draw a warrant in his favor for his ex-officio services as Clerk of said Court.

4. Mr. Patterson presented the petition of the members of the Cumberland College Association, at Princeton, praying for the passage of a law transferring the paramount control of said Institution to the Green River Synod.

5. Mr. Patterson also presented the petition of Wiley J. Gunter, praying for a divorce from his wife, Martha Gunter.

6. Mr. Patterson also presented the petition of R. H. J. Davidge, administrator of Sally McLaughlin, and Livingston Lindsay, guardian of Lucy B. Curd, praying for the passage of a law authorizing the sale of a certain tract of land devised by Sarah C. McLaughlin to Sally Ann Davidge, the wife of said R. H. J. Davidge and Lucy B. Curd, the ward of said Lindsay.

Which petitions were received and referred: the 1st and 2d to the committee on Propositions and Grievances; the 3d to the committee on Finance; the 4th and 6th to the committee on the Judiciary; and the 5th to the committee on Religion.

Mr. Swope, from a select committee, reported a bill for the benefit of the Sheriff of Grant county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Military Affairs.

On the motion of Mr. Key,

WHEREAS, It is necessary that the corporate concerns of the Old Bank of Kentucky should be closed, and for the purpose of ascertaining its true situation—

Resolved, That the committee on Banks ascertain from Harrison Blanton, the Commissioner and Agent for said Bank:

1st. The amount of funds, and of what description were placed in his hands by the Cashier of said Bank, in pursuance of the act entitled, "an act to extend for a certain period and with certain limitations the charter of the Old Bank of Kentucky, approved February 29th, 1836."

2nd. The amount of notes payable by said Bank, and redeemed by the said Agent since his appointment.

3rd. The amount of notes of said Bank yet unredeemed.

4th. The amount of debts due the Bank, with the names of the debtors and securities.

5th. Whether all the dividends of the profits, and the capital stock have been claimed and paid; if not, to whom the same are due, and the amount.

6th. In what manner, and to whom the real estate that belonged to said

Bank, at the time the said Harrison Blanton was appointed Agent, or that may have been acquired by him since as Agent, was sold or otherwise disposed of; and whether there is any estate now belonging to said Bank unsold; if so, where situated, and from whom purchased, with the amount given for the same.

That said committee report as soon as practicable, to enable the Legislature to pass such laws as may be necessary for finally closing the concerns of said Bank.

The Speaker laid before the Senate the report of the President of "the Kentucky and Louisville Mutual Insurance Company," which is as follows, to-wit:

Report of the condition, progress, and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 2d of December, 1844, inclusive, viz:

Amount insured, 390 Policies,	-	-	-	-	<u>\$1,202,898 66</u>
Amount of premium notes,	-	-	-	\$63,862 08½	
Deduct amount of premiums discharged by transfer of property and otherwise,	-	-	-	5,090 50	
				<u>\$58,771 58½</u>	
Amount received on premium notes,	-	-	-	10,977 61½	
Amount received for 390 Policies,	-	-	-	390 00	
				<u>\$11,367 61½</u>	
Paid this amount of expense account,	-	-	-	\$7,311 59½	
Paid this amount for losses,	-	-	-	3,089 73	
Paid this amount for commission to Agents,	-	-	-	8 27	
Due from W. D Mitchell, Agent,	-	-	-	21 00	
Due from Isaac Landes, Agent,	-	-	-	7 00	
Cash, balance,	-	-	-	930 02½	
				<u>\$11,367 61½</u>	

BALANCES.

DEBITS.					
To bills receivable,	-	-	-	-	\$48,187 64½
To cash,	-	-	-	-	930 02½
To profit and loss account,	-	-	-	-	3,089 73
To commission account,	-	-	-	-	8 27
To Isaac Landes, Agent,	-	-	-	-	7 00
To W. D. Mitchell, Agent,	-	-	-	-	21 00
To expense account,	-	-	-	-	7,311 59½
					<u>\$59,555 26½</u>

CREDITS.

By premium account, - - - - -	\$58,771 58½
By extra premium account, - - - - -	123 67½
By premium on merchandize account, - - - - -	270 00
By policy account, - - - - -	390 00
	<hr/>
	\$59,555 26¼
	<hr/>

At a meeting of the President and Directors of "the Kentucky and Louisville Mutual Insurance Company," at their office in the city of Louisville, on the 4th day of December, 1844, "the President of the Company submitted to the Board a statement of the condition, progress, and affairs of this Company, which, after being read, examined, and approved by the Board, was adopted, and the President is directed to furnish a copy of the same to the General Assembly of this State, agreeably to the requisition of the 22d section of the charter of this Company."

OFFICE OF THE KY. AND LOUISVILLE MUTUAL INSURANCE CO. }
Louisville, December 24, 1844. }

SIR:

In obedience to the requisition of the 22d section of the charter of this Company, and the order of the Board, I herewith transmit to you the foregoing report of the condition, progress, and affairs of this Company, from the commencement of their business up to and including the 2d instant, and request that you will lay the same before the body over which you preside.

I have the honor to be,

Very respectfully, &c.,

WILLIS STEWART, *President.*

HON ARCHIBALD DIXON,
Speaker of the Senate.

A message was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

In answer to your inquiry in relation thereto, I have to inform you that I caused writs of election to be issued to the counties of Bourbon and Scott, composing the 27th Senatorial District, to fill the vacancy occasioned by the resignation of John S. Morgan, Esq., who was elected to represent the 27th District, composed previously to the apportionment act of last session, of the counties of Nicholas and Bourbon.

WM. OWSLEY.

January 3, 1845.

Ordered, That said message be referred to the committee on Privileges and Elections.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Drake—1. A bill to regulate the toll on Turnpike Roads.

On the motion of Mr. Field—2. A bill for the benefit of William A. Roberts.

On the motion of Mr. Slaughter—3. A bill for the benefit of the Mechanics of Bardstown.

On the motion of Mr. Patterson—4. A bill to change the place of voting at the Dolonson precinct, in Caldwell county.

On the motion of Mr. Bennett—5. A bill for the benefit of Coonrod Havens.

On the motion of Mr. James—6. A bill to incorporate the town of Blandville, in Ballard county.

The committee on Internal Improvements was directed to prepare and bring in the 1st; the committee on Propositions and Grievances the 2d; the committee on the Judiciary the 3d; the committee on Privileges and Elections the 4th; the committee on Finance the 5th; and Messrs. James, Patterson and A. Boyd were appointed a committee to prepare and bring in the 6th.

Mr. Winfrey moved for leave to bring in a bill to reduce the salaries of the officers of this Commonwealth; and the question being taken on said motion, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gilless,	McAfee,
Boyd, A.	Hardin,	Newell,
Carpenter,	Harris,	Patterson,
Chenault,	Holloway,	Swope,
Conner,	Huston,	Wallace.
Crenshaw,	James,	Walker,
Drake,	Marshall,	Winfrey—21.

Those who voted in the negative, were—

Messrs. Bennett,	Gray,	Rodes,
Boyd, W. P.	Key,	Slaughter,
Dyer,	Palmer,	Taylor,
Field,	Peyton,	Woodson—13.
Fox,		

The committee on Finance was directed to prepare and bring in said bill.

The resolution to appoint a joint committee to examine Transylvania University and the Lunatic Asylum, read and laid on the table by Mr. Huston, on yesterday, were taken up, twice read and adopted.

And then the Senate adjourned.

SATURDAY, JANUARY 4, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor did, on the first instant, approve and sign an enrolled bill, which was laid before the Governor for his approbation and signature on the first day of March last, the day before the adjournment of the General Assembly, entitled, an act defining the privileges of the President and Directors of Turnpike Roads.

That they had adopted resolutions for the appointment of a joint committee to examine Transylvania University and the Lunatic Asylum, which was twice read and laid on the table.

That they had adopted a resolution appointing a joint committee to revise the Common School laws, which was twice read and concurred in.

That they had also adopted preamble and resolutions in relation to the rates of postage, which was twice read: Mr. Gray moved an amendment thereto, and the said preamble, resolutions and amendment were referred to the committee on Federal Relations.

And that they had passed bills of the following titles, to-wit:

1. An act to incorporate the town of Benton, and for other purposes.
2. An act to change the place of voting in an election precinct in Whitley county.
3. An act to incorporate the Richmond Female Institute.
4. An act to reduce the price of vacant lands in Lawrence and Carter counties.
5. An act requiring a list of the members of the Fire Engine and Hose Company of the City of Covington to be reported to the Clerk of the Kenton Circuit Court.
6. An act to reduce the price of vacant lands in Laurel county.
7. An act for the benefit of Mechanics and others, of Bowlinggreen.
8. An act to authorize the appointment of a Justice of the Peace and Constable of Whitley county, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 5th and 7th to the committee on the Judiciary; the 2nd to the committee on Privileges and Elections; the 3d to the committee on Education; the 4th and 6th to the committee on Finance; and the 8th to the committee on Propositions and Grievances.

The Speaker laid before the Senate the Report of the President of the Bank of the Commonwealth, which is as follows, to-wit:

COMMONWEALTH'S BANK OFFICE,
January 3, 1845. }

SIR:

Within the year ending the 1st of the present month, I have collected of debts and claims due the Commonwealth's Bank, \$7,601 28 cents, and which sum has been applied as follows: paid to the Sinking Fund Commissioners, \$6,152 52 cents; paid fee bills and incidental costs, \$455 56 cents; paid President's salary, \$500; for the redemption of Bank notes in circulation, \$136 50; cash on hand, \$356 70 cents.

The Commissioners of the Sinking Fund may anticipate the further sum of \$10,000, as payable from this Institution. Its real estate may be estimated at \$2,000; the Turnpike stock at \$400. There are notes in circulation and unredeemed, \$1,249 04 cents.

The entire estimated loss from 1821, to the present time, caused by bad debts, bad management, swindling, and other causes, is about \$200,000, and the profit and advantage to the State, and many of her indigent and unfortunate citizens, during the same period of time, greatly exceeds that loss.

For the last five years the management of the Institution has been confided to me. During that time, large sums of money have been received and disbursed. I have tried to act honestly and faithfully, and at the same time manifest liberal indulgence to the unfortunate poor, and honest debtors of the Bank; no examination of my acts and doings has yet been made by the Legislature, and as I feel confident the business of the Bank, at the end of the present year, will be in such condition as to dispense with my humble services, I deem it justice to myself, to ask an examination of my accounts, at such time and in such manner as the Legislature may deem right and proper.

On the 10th day of this month the charter of the Bank will expire. I deem it important to the best interests of the State that it should be renewed, at least for one year.

All of which matters are respectfully reported to the General Assembly.

With great respect,

O. G. CATES, *President.*

HON. ARCHIBALD DIXON,
Speaker of the Senate.

Ordered, That said report be referred to the committee on the Sinking Fund.

1. Mr. Palmer presented the petition of Foster Ray, praying for the passage of a law authorizing him to bring into this State nine slaves.

2. Mr. Harris presented the petition of sundry citizens of Johnson county, praying for the passage of a law allowing an additional Justice of the Peace and Constable to said county.

3. Mr. Harris also presented the petition of Frederick Bruckett, praying for the passage of a law divorcing him from his wife, Nancy Bruckett.

4. Mr. Gray presented the petition of sundry citizens of ——— county, praying for the passage of a law to change the Butler road, opposite the Mount Vernon Academy.

5. Mr. Field presented the petition of John W. Brite, Jephtha Brite and

William Brite, praying for the passage of a law to change the orthography of their names to Bright.

Which petitions were received and referred: the 1st to the committee on the Judiciary; the 2nd and 5th to the committee on Propositions and Grievances; the 3d to the committee on Religion; and the 4th to the committee on Internal Improvement.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:

A bill to extend the charter of the Bank of the Commonwealth of Kentucky.

A bill for the benefit of Robert and Mary Price.

A bill for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, reported a bill to amend an act, entitled, an act reducing into one the several acts for apprehending and securing Runaways, approved January 16, 1798.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was recommitted to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

To the Speaker of the Senate:

SIR: I herewith transmit to the Senate, documents which may be useful in the deliberations of the Legislature upon the subject of the Penitentiary.

WM. OWSLEY.

January 4, 1845.

[*For Documents accompanying this Message—see Legislative Documents.*]

Ordered, That said message and documents be referred to the committee on the Penitentiary.

Mr. Walker, from the committee on Propositions and Grievances, reported the following bills, to-wit:

1. A bill authorizing the Trustees of Taylorsville to close a part of Water street, and for other purposes.

2. A bill to change the name of Catharine Sherwood Walton Wooldridge.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, and the first bill being amended,

Ordered, That said bills be engrossed and read a third time.

The constitutional rule as to the third reading of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Crenshaw—1. A bill to repeal an act, entitled, an act to regulate the administration and settlement of estates, approved February 20, 1839, and for other purposes.

On the motion of Mr. Slaughter—2. A bill for the more effectual protection of the State buildings, at Frankfort.

On the motion of Mr. Peyton—3. A bill to incorporate a Seminary of learning in the town of Cloverport.

On the motion of Mr. Swope—4. A bill giving to the Falmouth Bridge Company further time to receive subscriptions of stock, and to complete said Bridge, and for other purposes.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d; the committee on the Public Buildings the 2d; and Messrs. Swope, Newell and Bennett were appointed a committee to prepare and bring in the 4th.

Leave of absence was given to Mr. Dyer until Thursday next, and to Mr. Chenault until Wednesday next.

And then the Senate adjourned.

MONDAY, JANUARY 6, 1845.

Mr. John L. Helm, a member of the Senate from the fourteenth Senatorial District, appeared, produced a certificate of his election, and having taken the several oaths required by the Constitution of the United States, and the Constitution of this State, took his seat.

1. Mr. Patterson presented the petition of Samuel C. Synder, who stands indicted in the Livingston Circuit Court for the murder of Leonard Gibbon, praying for the passage of a law granting him a change of venue.

2. Mr. Helm presented the petition of Rachel Hoskins, praying to be divorced from her husband, W. Davis Hoskins.

3. Mr. Gilless presented the petition of W. S. Cook and others, praying for the passage of a law authorizing Mary C. Wells, executrix of Abraham Wells, deceased, to convey to Nathan Lawson a certain tract of land.

4. Mr. Patterson presented the petition of Hiram B. Pierce, who stands indicted in the Crittenden Circuit Court for larceny, praying for the passage of a law granting him a change of venue.

5. Mr. Harris presented the protest of sundry citizens of Nicholas county, against the election of Thomas H. Bradford, as Senator for the 27th Senatorial District, as being unconstitutional and void.

Which were received and referred: the 1st, 3d and 4th to the committee on the Judiciary; the 2d to the committee on Religion; and the 5th to the committee on Privileges and Elections.

Mr. Huston read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint committee on Banks, while on their visit to the City of Louisville, be instructed to examine the Institution for the Education of the Blind, and report the present condition and future prospects of said Institution.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read, and laid on the table.

Mr. Peyton moved the following resolution, to-wit:

Resolved, That the Governor be requested to communicate to the Senate, whether the unexpended balance of the proceeds of \$100,000 State Bonds, sold under the act, approved March 8th, 1843, entitled, "an act to amend the charter of the Banks of Kentucky," was paid over to the Contractors on the public roads, as was directed by the act approved March 2d, 1844. If not, what disposition was made of that fund; whether the same yet remains on hand or has been used in any way, and at what time invested; whether the same was invested in this State or elsewhere; and that the Governor furnish the correspondence in relation to such investment. That the Governor also inform the Senate whether the Contractors on the public works, or any of them, were paid in State bonds; if so, under what law such bonds were issued, when issued, and how paid to the Contractors, whether by a sale of the bonds, and at what rate were bonds sold to the Contractors.

That the Governor also inform the Senate whether any bonds of the State have been sold under the provisions of the act, approved March 8th, 1843, entitled, "an act to amend the charter of the Banks of Kentucky." If any bonds have been sold, that he designate the amount thereof, the time when sold; and if the proceeds of bonds sold under said last mentioned act have been invested in Bank Stock, that he state when such stock was purchased, in which of the Banks, and the price paid therefor.

The rule of the Senate being dispensed with, the said resolution was twice read and adopted.

A mesage was received from the House of Representatives, announcing that they had concurred in resolutions from the Senate to appoint a joint committee to examine Transylvania University and the Lunatic Asylum.

That they had adopted a resolution fixing a day for the final adjournment of the General Assembly.

That they had passed bills of the following titles, to-wit:

1. An act for the benefit of Mary Ann Fugate.
2. An act to amend an act to add a part of Adair county to the county of Casey, approved January 29, 1844.
3. An act to allow an additional Justice of the Peace to Johnson county.
4. An act allowing an additional Justice of the Peace to Greenup county.
5. An act to change the name of Martha Stewart Whitecotton.
6. An act to incorporate the Centre Point Meeting House, in Monroe county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 2d and 5th to the committee on Propositions and Grievances; the 3d and 4th to the committee on the Judiciary; and the 6th to the committee on Religion.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Harris—1. A bill to supply the Magistrates of Johnson county with Morehead and Brown's Digest.

On the motion of Mr. Conner—2. A bill for the benefit of Thomas Sexton, of Carter county.

And the committee on Propositions and Grievances was directed to prepare and bring in said bills.

A resolution from the House of Representatives, fixing the first day of February next for the final adjournment of the General Assembly, was twice read.

Mr. Harris moved to lay the said resolution on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Key and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Bennett,
Boyd, A.
Conner,

Harris,
Marshall,
McAfee,

Peyton,
Wallace,
Woodson—10.

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Gray,	Slaughter,
Carpenter,	Hardin,	South,
Crenshaw,	Huston,	Taylor,
Field,	Key,	Walker,
Fox,	Palmer,	Winfrey—17.
Gilless,	Patterson,	

The question was then taken on concurring in the said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. A. Boyd and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	Peyton,
Bennett,	Hardin,	Rodes,
Boyd, A.	Holloway,	Slaughter,
Boyd, W. P.	Huston,	South,
Carpenter,	Key,	Swope,
Conner,	Marshall,	Taylor,
Crenshaw,	McAfee,	Wallace,
Field,	Palmer,	Walker,
Fox,	Patterson,	Winfrey—28.
Gilless,		

Those who voted in the negative, were—

Messrs. Harris,	James,	Woodson—4.
Helm,		

And then the Senate adjourned.

TUESDAY, JANUARY 7, 1845.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, to-wit:

An act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act to change the name of Catharine Sherwood Walton Wooldridge.

That they had adopted resolutions in relation to the erection of a Marine Hospital at Paducah, which were twice read and concurred in.

That they had passed bills of the following titles, to-wit:

1. An act to incorporate the town of Blandville.
2. An act for the benefit of Jane Cox.
3. An act amendatory of the several acts concerning the town of Newport, Kentucky.
4. An act to amend the road law in Greenup county.
5. An act to incorporate the Trustees of the Tompkinsville Old School Presbyterian Church, in Monroe county.
6. An act for the benefit of the Mechanics of Bardstown and Nelson county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st and 3d to the committee on the Judiciary; the 2d and 5th to the committee on Religion; the 4th to the committee on Internal Improvement; and the 6th to the committee on Propositions and Grievances.

Mr. Thomas H. Bradford, a member of the Senate from the 27th Senatorial District, appeared, and having taken the several oaths required by the Constitution of the United States, and the Constitution of this State, took his seat.

Mr. South presented the petition of Jacob Phips and Charles Hammons, praying for the passage of a law allowing them compensation for pursuing and apprehending Alexander Frazier, a fugitive from justice; which was received and referred to the committee on Finance.

A message was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

EXECUTIVE DEPARTMENT, }
January, 1845. }

Gentlemen of the Senate:

I nominate for your advice and consent, the following Militia Officers, to fill the offices respectively attached to their names, they having been commissioned since the adjournment of the last Legislature, to-wit:

James C. Caldwell to be Lieutenant Colonel of the 7th Regiment, in place of William Hill, removed.

Curtis Parke to be Major of the 7th Regiment, in place of James C. Caldwell, promoted.

John M. Taul to be Major of the 8th Regiment, in place of T. J. Weathers, resigned.

George S. Burbridge to be Major of the 12th Regiment, in place of Miller Viley, resigned.

Armstead Blackwell to be Colonel of the 17th Regiment, in place of James Mullins, resigned.

John J. Vivian to be Lieutenant Colonel of the 17th Regiment, in place of Armstead Blackwell, promoted.

William Keys to be Major of the 17th Regiment, in place of John J. Vivian, promoted.

John W. Shean to be Colonel of the 18th Regiment, in place of Seth Cook, resigned.

Wm. B. Corley to be Lieutenant Colonel of the 18th Regiment, in place of S. Shanks, removed.

Dennis Johnston to be Major of the 18th Regiment, in place of John W. Shean, promoted.

Madison Bolware to be Lieutenant Colonel of the 19th Regiment, in place of R. Monday, removed.

Alexander Cornelison to be Major of the 19th Regiment, in place of M. Bolware, promoted.

John McKinney to be Colonel of the 21st Regiment, in place of T. M. C. Clutter, resigned.

John T. Amos to be Lieutenant Colonel of the 21st Regiment, in place of John McKinney, promoted.

Gideon M. Colvin to be Major of the 21st Regiment, in place of John T. Amos, promoted.

John B. Jamison to be Colonel of the 24th Regiment, in place of Robert A. Love, resigned.

George B. Adams to be Colonel of the 25th Regiment, in place of M. M. Clark, removed.

P. B. Hawkins to be Lieutenant Colonel of the 25th Regiment, in place of Isaac Whitton, refused.

Sidney P. Smith to be Major of the 25th Regiment, in place of Chas. A. Still, removed.

Elisha Metcalf to be Colonel of the 27th Regiment, in place of Michael Whalan, deceased.

Wm. Taylor to be Lieutenant Colonel of the 27th Regiment, in place of E. Metcalf, promoted.

Watson Coke to be Major of the 27th Regiment, in place of Wm. Taylor, promoted.

Wm. B. Crupper to be Lieutenant Colonel of the 28th Regiment, in place of Robert Powers, resigned.

Marcus Ware to be Major of the 28th Regiment, in place of Wm. B. Crupper, promoted.

Andrew J. Taul to be Colonel of the 31st Regiment, in place of Thomas Johnson.

Walter Chiles to be Lieutenant Colonel of the 31st Regiment, in place of A. J. Taul, promoted.

Claiborne R. Burnett to be Major of the 31st Regiment, in place of W. Chiles, promoted.

Charles G. Douglass to be Lieutenant Colonel of the 32d Regiment, in place of John D. Lux.

John Hall to be Major of the 32d Regiment, in place of Chas. G. Douglass, promoted.

Thomas M. Paschall to be Colonel of the 44th Regiment, in place of A. Hendricks, resigned.

Jackson Stroud to be Lieutenant Colonel of the 44th Regiment, in place of T. M. Paschall, promoted.

James McAlister to be Major of the 44th Regiment, in place of J. Stroud, promoted.

Joshua Petty to be Major of the 45th Regiment, in place of John R. G. Burks, removed.

A. F. Jones to be Lieutenant Colonel of the 51st Regiment, in place of Jo. S. Lillard, promoted.

Wyatt Gullion to be Major of the 51st Regiment, in place of A. F. Jones, promoted.

John Howard to be Lieutenant Colonel of the 61st Regiment, in place of James Y. Thomas, resigned.

Willis Ennit to be Major of the 61st Regiment, in place of J. W. Harrison, removed.

James H. Arnold to be Major of the 65th Regiment, in place of Wm. Workman, resigned.

Moses C. Reed to be Major of the 66th Regiment, in place of John T. Burden, resigned.

Sion Johnson to be Major of the 75th Regiment, in place of Geo. Cole, removed.

Robert Riddle to be Lieutenant Colonel of the 78th Regiment, in place of Francis Stone, refused.

James Black to be Major of the 78th Regiment, in place of Robert Riddle, promoted.

James Sayers to be Lieutenant Colonel of the 79th Regiment, in place of Chas. King, removed.

Stephen Newcum to be Major of the 79th Regiment, in place of Jas. Sayers, promoted.

R. R. Logan to be Colonel of the 85th Regiment, in place of James Lawson, deceased.

Tandy N. Allen to be Lieutenant Colonel of the 85th Regiment, in place of R. R. Logan, promoted.

Gad. Davis to be Major of the 85th Regiment, in place of T. N. Allen, promoted.

James Purcell to be Major of the 87th Regiment, in place of D. S. Carroll, resigned.

Arad Comstock to be Lieutenant Colonel of the 89th Regiment, in place of Jas. Hart, refused.

Nelson Tye to be Major of the 89th Regiment, in place of A. Comstock, promoted.

Charles H. Lear to be Major of the 90th Regiment, in place of H. T. Hall, resigned.

Joel M. Avery to be Major of the 99th Regiment.

William G. Howard to be Colonel of the 109th Regiment, in place of W. H. Wilson, promoted.

Samuel B. Wilson to be Lieutenant Colonel of the 109th Regiment, in place of W. G. Howard, promoted.

William S. Hamilton to be Major of the 109th Regiment, in place of S. B. Wilson, promoted.

Robert Miller to be Colonel of the 114th Regiment, in place of Robert McClary, resigned.

Thomas J. Craycraft to be Lieutenant Colonel of the 114th Regiment, in place of R. Miller, promoted.

William B. Hopkins to be Major of the 114th Regiment, in place of T. J. Craycraft, promoted.

Jonathan C. Waller to be Colonel of the 122d Regiment, in place of Wm. H. Randall, resigned.

Isaac P. Miller to be Lieutenant Colonel of the 122d Regiment, in place of S. M. Cheek, removed.

Burton Farmer to be Major of the 122d Regiment, in place of J. C. Waller, promoted.

Jonathan Smith to be Colonel of the 124th Regiment, in place of John Smith, refused.

Carlo B. Brittain to be Lieutenant Colonel of the 124th Regiment, in place of Samuel Howard, refused.

Moses Caywood to be Major of the 124th Regiment, in place of John Smith, promoted.

Samuel C. Harralson to be Colonel of the 129th Regiment, in place of Benj. F. Johnson, resigned.

Richard Wooley to be Lieutenant Colonel of the 129th Regiment, in place of Wm. B. Wall.

John F. May to be Major of the 129th Regiment, in place of Wm. M. Stevens, resigned.

John R. Harris to be Colonel of the 134th Regiment, in place of Asa Young, resigned.

Bazil G. Smith to be Lieutenant Colonel of the 134th Regiment, in place of Wm. Ellis, resigned.

Philip W. Grinstead to be Major of the 134th Regiment, in place of John R. Harris, promoted.

Joseph W. Wiltberger to be Brigadier General of the 20th Brigade, in place of A. Kirtley, promoted.

William F. Wilson to be Brigadier General of the 10th Brigade, in place of Rice Maxey, resigned.

I do further nominate for your advice and consent, the following Militia Officers, to-wit:

Isaac Evans to be Lieutenant Colonel of the 58th Regiment, in place of Thomas F. Richardson.

James Kidweel to be Major of the 58th Regiment, in place of Wm. Crow, resigned.

Daniel B. Barger to be Colonel of the 52d Regiment, in place of Isham Bolin, resigned.

Benjamin W. Graves to be Lieutenant Colonel of the 52d Regiment, in place of Thomas Allen, removed.

John A. Grider to be Major of the 52d Regiment, in place of Abijah Guthrie, resigned.

Ephraim Guffy to be Major of the 81st Regiment, 10th Brigade.

John B. Wortham to be Lieutenant Colonel of the 112th Regiment, in place of Richard Razzill, resigned.

R. P. Wilcox to be Lieutenant Colonel of the 131st Regiment, in place of John Albritton, resigned.

Solomon Ward to be Major in the 131st Regiment, in place of R. P. Wilcox, promoted.

WM. OWSLEY.

January 7, 1845.

Resolved, That the Senate advise and consent to the said appointments.

A communication was received from the Secretary of State, which is as follows, viz:

OFFICE OF SECRETARY OF STATE,
January 6, 1845. }

Pursuant to the act of the 18th of February, 1841, entitled, "an act prescribing the mode of preserving the evidence of the payment of interest on certain State bonds," the Secretary of State has the honor to transmit herewith, to the Senate, a tabular statement, showing the monthly payments of interest on six years bonds, from the 1st of November, 1843, to the 1st of December, 1844.

STATEMENT.

Interest paid in November, 1843,	-	-	-	-	\$ 1,499 57
Do. do. December, "	-	-	-	-	2,040 00
Do. do. January, 1844,	-	-	-	-	1,607 83
Do. do. February, "	-	-	-	-	497 02
Do. do. March, "	-	-	-	-	114 00
Do. do. April, "	-	-	-	-	2,145 00
Do. do. May, "	-	-	-	-	497 00
Do. do. June, "	-	-	-	-	890 32
Do. do. July, "	-	-	-	-	954 64
Do. do. August, "	-	-	-	-	1,272 28
Do. do. September, "	-	-	-	-	23 05
Do. do. October, "	-	-	-	-	1,880 60
Do. do. November, "	-	-	-	-	995 10
					<hr/>
					\$ 14,416 41

BEN. HARDIN, *Secretary of State*.

January 6, 1845.

The Speaker laid before the Senate a communication from the Secretary of State concerning the exchange of six years State bonds, which is as follows, viz:

[For the Report—see *Legislative Documents*.]

The Speaker laid before the Senate a communication from Thomas S. Theobald, former Keeper of the Penitentiary, which was read and referred to the committee on the Penitentiary.

Mr. Hardin, from the committee on the Judiciary, to whom was referred an engrossed bill entitled, an act to give to the holders of Kentucky Land Warrants further time to have surveys made under the same, and to return plats and certificates of survey to the Register's office,

Reported the same with an amendment, which was concurred in.

Ordered, That said bill be re-engrossed, and again read a third time,
Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to incorporate the town of Benton, and for other purposes.
An act for the benefit of Mechanics and others, of Bowlinggreen.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred the petition of John Lafon, reported the following resolution thereon, to-wit:

Resolved, That said petition be rejected.

Which was twice read and concurred in.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Mary Ann Fugate, reported the same without amendment.

The said bill was amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title be amended by adding thereto the words "and Thomas Sexton."

Mr. Walker, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to amend an act to add a part of Adair county to the county of Casey, approved January 29, 1844.

An act to change the name of Martha Stewart Whitecotton.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to authorize the appointment of a Justice of the Peace and Constable in Whitley county, and for other purposes, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill allowing an additional Justice of the Peace and Constable to Johnson county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended by adding thereto, "and for other purposes."

On the motion of Mr. Peyton,

Resolved, That a select committee be appointed to enquire whether the duties now performed by the Board of Commissioners of the Sinking Fund, cannot, with safety to the interest of the State, be transferred to the Governor, 2d Auditor and Treasurer; and if, by so doing, a saving to the State would not be effected, and how much? That said committee also enquire whether any necessity longer exists for the continuance of the Board of Internal Improvement; whether the proper business of said Board could not be performed by an Agent of the State, at much less cost than is now required to continue said Board, and what amount may be saved to the State by such change?

That said committee also enquire whether a necessity longer exists for a continuance of the office of 1st Auditor; whether the duties of said office are performed by said Auditor in person, or by Agent; if by Agent, under what law such Agency was authorized; whether the duties of such office cannot be performed by the 2d Auditor or Treasurer without injury to the public interest? And that said committee report at an early period of the session by bill or otherwise. Said committee shall have power to send for persons, papers and records.

Messrs. Peyton, Gray and Patterson were appointed a committee pursuant to said resolution.

Mr. Peyton moved the following resolution, to-wit:

Resolved, That the Governor be requested to lay before the Senate a copy of the inventory and appraisement, made by Apperson and Bullock, of the raw materials, stock, manufactured articles, machinery, tools and implements, which were on hand in the Penitentiary when the late Keeper's term of service expired, together with the subsequent inventory and appraisement of the same articles, made by Messrs. Glover, Needham, Scott, and others, and a copy of the inventory of machinery, tools and implements left in the hands of the late Keeper of the Penitentiary when he entered upon the duties of his office.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

On the motion of Mr. Holloway,

Resolved, That a committee of three members of the Senate be appointed to investigate and report to the Senate, the claim of Simpson Stout to compensation as Acting Commissioner of the Green and Barren river improvements; that said committee, if necessary, have power to send for persons, papers and records, and may examine the settlements made by the Board of Internal Improvement with other Commissioners of public works. That said committee report by bill or otherwise.

Messrs. Holloway, Peyton and South were appointed a committee pursuant to said resolution.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Rodes—1. A bill for the benefit of John Tilford.

On the motion of Mr. Helm—2. A bill to provide a summary remedy against wilful trespassers on real estate.

On the motion of Mr. Huston—3. A bill to add one additional week to the Spring and Fall Terms of the Spencer Circuit Court.

On the motion of Mr. Bennett—4. A bill to amend an act in relation to Idiots and Lunatics, approved February 12, 1840.

On the motion of Mr. Harris—5. A bill to amend an act, entitled, an act to amend the law relative to the appointment of Constables, and for other purposes, approved March 2, 1844.

The committee on Finance was directed to prepare and bring in the 1st; Messrs. Helm, Hardin and Palmer were appointed a committee to prepare and bring in the 2d; and the committee on the Judiciary was directed to prepare and bring in the 3d, 4th and 5th.

Mr. Wallace moved the following resolution, to-wit:

Resolved by the Senate, That the Governor be requested to cause to be fired on the capitol square, on to-morrow morning at sunrise, a national salute, in commemoration of the brilliant victory achieved, on the 8th day of January, 1815, by the American over the British army, at New Orleans.

The question being taken on adopting the said resolution, it was decided in the negative, and so the said resolution was rejected.

And then the Senate adjourned.

WEDNESDAY, JANUARY 8, 1845.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate, of the following titles, to-wit:

1. An act to extend the charter of the Bank of the Commonwealth of Kentucky.

2. An act for the benefit of Robert and Mary Price.

With amendments to the first named bill, which amendments were twice read and concurred in.

That they had passed bills of the following titles, to-wit:

1. An act to amend the charter of the Lancaster and Crab Orchard Turnpike road Company.

2. An act to amend an act, entitled, an act to regulate the management of the Wilderness road, and for other purposes, approved March 2, 1844.

3. An act for the benefit of the Clerks of the Clinton County and Circuit Courts.

4. An act for the benefit of Susan M. Wilson.

5. An act to amend the penal laws.

6. An act for the relief of Ishmael C. Sutton, Constable of Ohio county.

7. An act for the benefit of the Methodist Episcopal Church in Elkton.

8. An act for the benefit of Isaac Johnson, and others.

9. An act to permit Julia Ann Keedy to import certain slaves into this Commonwealth.

10. An act for the benefit of the widow and heirs of Charles G. Jenkins, deceased.

11. An act to repeal the law dispensing with seals to certain instruments of writing.

12. An act for the benefit of the widow and heirs at law of John McElya, deceased.

13. An act for the benefit of the heirs and administrator of John Q. Thompson, deceased.

14. An act for the benefit of the Sheriffs of Graves and Perry counties.

15. An act for the benefit of John Vickers.

16. An act for the benefit of Aquilla Hoskins.

17. An act to change the name of Henry Harrison Fraley, and for other purposes.

18. An act to change a precinct in Harlan county.

19. An act regulating the precincts of Jefferson county, and for other purposes.

20. An act to amend an act, entitled, an act to amend the laws regulating the management of the Wilderness road and Madison Fork, and to amend and reduce into one the several acts incorporating the Oakland Turnpike Road Company, approved March 2, 1844.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred: the 1st, 4th, 5th, 6th, 8th, 10th, 11th, 12th and 13th to the committee on the Judiciary; the 2d, 15th and 20th to the committee on Internal Improvement; the 3d and 14th to the committee on Finance; the 7th to the committee on Religion; the 9th and 17th to the committee on Propositions and Grievances; and the 18th and 19th to the committee on Privileges and Elections.

A message was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, the following Civil Officers, who have been commissioned since the adjournment of the last Legislature, to-wit:

Orla C. Richardson to be Sheriff of Meade county, in place of H. G. Davis, deceased.

Charles S. Waller to be Clerk of the Penitentiary, in place of Thos. B. Stevenson, resigned.

Beverly D. Williams to be Sheriff of Boyle county, in place of J. P. Mitchell, resigned.

John A. Crittenden to be Marshal of the Louisville Chancery Court, in place of William A. Cocke, deceased.

George Witman to be Commissioner to take the acknowledgement of deeds, &c., for the State of Maryland and City of Baltimore.

Samuel S. Nicholas to be Chancellor of the Louisville Chancery Court, in place of George M. Bibb, resigned.

Thomas H. Nelson to be Commissioner of deeds, &c., for the State of Indiana.

John McLarning to be Attorney for the Commonwealth, for the 7th Judicial District, in place of Robert A. Patterson, resigned.

J. Smith Hall to be Commissioner of deeds, &c., for the State of Mississippi.

James Harlan to be Notary Public for the county of Franklin.

Thomas Dolan to be Notary Public for Fayette county.

J. C. Wilkins and Wm. V. Loving to be Commissioners of the Green and Barren river navigation, in place of H. P. Murrell and John B. Helm, resigned.

John M. Mason to be Commissioner of deeds, &c., for the State of New York.

Charles F. Harvey to be Sheriff of Allen county, in place of Thomas Sutton, who refused to accept.

I also nominate for the advice and consent of the Senate, Samuel T. Hauser to be Attorney for the Commonwealth in the 2d Judicial District, in place of W. W. Southgate, deceased.

WM. OWSLEY.

January 8, 1845.

Resolved, That the Senate advise and consent to the said appointments.

The Speaker laid before the Senate the Annual Report of the Superintendent of Public Instruction, which is as follows, to-wit:

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Drake presented the petition of Joseph N. Allen, who stands indicted in the Spencer Circuit Court for malicious stabbing, praying for the passage of a law granting him a change of venue.

2. Mr. Woodson presented the petition of C. J. Blackburn, praying for the passage of a law granting him compensation for land taken by the Lexington and Ohio Railroad Company.

Which were received and referred: the 1st to the committee on the Judiciary; and the 2d to the committee on Internal Improvement.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace to Johnson county, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title be amended by adding thereto the words "and for other purposes."

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act allowing an additional Justice of the Peace to Greenup county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill to amend an act, entitled, an act reducing into one the several acts for apprehending and securing Runaways, approved January 16, 1798, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, reported the following bills, to-wit:

A bill providing for a change of venue in the prosecution against Hiram B. Pearce.

A bill to amend an act, entitled, an act to amend the charter of Cumberland College, approved February 16, 1838, and the act approved February 18, 1841.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Crenshaw, from the same committee, reported a bill to reduce into

one the several acts exempting property from execution, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with,

Mr. McAfee and Mr. Taylor moved amendments thereto.

Ordered, That said bill be made the order of the day for Friday, the 10th instant, and that the Public Printer print 150 copies thereof, and the amendments for the use of the General Assembly.

Mr. Crenshaw, from the same committee, reported a bill to repeal an act, entitled, an act to amend the Revenue Laws, levying a tax on Gold Watches, Spectacles, &c., approved March 10, 1843, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was referred to the committee on Finance, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Mechanics of Bardstown and Nelson county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolution which originated in the Senate, of the following titles, and had found the same truly enrolled, to-wit:

An act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act to change the name of Catharine Sherwood Walton Wooldridge.

And Resolutions to appoint a joint committee to examine Transylvania University and the Lunatic Asylum.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Henry Huffaker, praying for a divorce from his wife, reported the same with the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

Which was discussed for some time, when the Senate proceeded to the consideration of the orders of the day.

Mr. McAfee, from the committee on Education, reported a bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with; and the Public Printer was directed to print 150 copies of the said bill for the use of the General Assembly.

And then the Senate adjourned.

THURSDAY, JANUARY 9, 1845.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act for the benefit of John Reynolds.
2. An act to establish an election precinct in the county of Pike.
3. An act to establish the county of Fulton.
4. An act to establish an additional election precinct in Hopkins county.
5. An act authorizing Mary Jane Pottinger to confirm the sale of a slave made by her guardian, George W. Pottinger.
6. An act for the benefit of Amelia M. Hamilton, and for other purposes.
7. An act for the benefit of Sally B. Booker.
8. An act for the benefit of William Hart and William L. Smith.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st and 8th to the committee on Finance; the 2d and 4th to the committee on Privileges and Elections; the 3d and 6th to the committee on Propositions and Grievances; the 5th to the committee on the Judiciary; and the 7th to the committee on Religion.

1. Mr. W. P. Boyd presented the petition of sundry citizens of the counties of Fleming, Lewis, Carter and Morgan, praying for the formation of a new county out of parts of said counties.

2. Mr. South presented the petition of sundry citizens of the county of Breathitt, praying for the passage of a law changing the name of the town of Breathitt to the name of Jackson.

3. Mr. South also presented the petition of Edmund Evans, of Morgan county, praying for the passage of a law legalizing a licence obtained by him as a pedler of clocks, and the sales made under the said licence.

4. Mr. Winfrey presented sundry depositions taken on the part of Mrs. Huffaker, to be read in her behalf upon the application of her husband, Henry Huffaker, for a divorce.

Which petitions and depositions were received and referred: the 1st and 2d to the committee on Propositions and Grievances; the 3d to the committee on Finance; and the 4th to the committee on Religion.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills and resolutions which originated in the Senate of the following titles, to-wit:

An act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act to change the name of Catharine Sherwood Walton Wooldridge.

Approved January 8, 1845.

Resolutions to appoint a joint committee to examine Transylvania University and the Lunatic Asylum.

Approved January 9, 1845,

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, to-wit:

An act to extend the charter of the Bank of the Commonwealth of Kentucky.

An act for the benefit of Robert and Mary Price.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

After some time a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed the said bills.

The Senate resumed the consideration of the report of the committee on Religion, that the petition of Henry Huffaker, for a divorce from his wife, be rejected.

Mr. Winfrey moved to amend the said report by striking out the words "be rejected," and inserting in lieu thereof, the words "is reasonable."

The question being taken thereon, it was decided in the negative, and so the said petition was rejected.

The yeas and nays being required thereon by Messrs. Peyton and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gilless,	James,
Bradford,	Harris,	Swope,
Conner,	Helm,	Winfrey—9.

Those who voted in the negative, were—

Messrs. Boyd, A.	Holloway,	Rodes,
Boyd, W. P.	Huston,	Slaughter,
Carpenter,	Marshall,	South,
Chenault,	McAfee,	Taylor,
Crenshaw,	Palmer,	Wallace,
Drake,	Patterson,	Walker,
Gray,	Peyton,	Woodson—22.
Hardin,		

On the motion of Mr. Winfrey, leave was given to withdraw the said petition, and all the documents and depositions in relation thereto.

Mr. Rodes, from the committee on Religion, to whom was referred the petition of Rachel Hoskins for a divorce, reported the following resolution thereon, to-wit:

Resolved, That the petition be rejected, notice not having been given the defendant.

Mr. Helm moved to reverse the said report, and the question being taken thereon, it was decided in the negative, and so the said petition was rejected.

Mr. Harris presented the petition of James H. Hereford, praying for the passage of a law authorizing him to sell certain land belonging to Blair Hereford and Beverly Hereford, who are infants.

Mr. Rodes presented the petition of Calvin Fairbank, who stands indicted in the Fayette Circuit Court for aiding slaves to escape, praying for the passage of a law granting him a change of venue.

Which petitions were received and referred to the committee on the Judiciary.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to reduce the price of vacant lands in Laurel county.

An act to reduce the price of vacant lands in Lawrence and Carter counties.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the same committee, reported a bill for the benefit of the Floyd Circuit Court Clerk, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the committee on Military Affairs, to whom was referred a bill for the benefit of the Sheriff of Grant county, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time,

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Woodson, from the committee on Federal Relations, to whom was referred preamble and resolutions from the House of Representatives, in relation to the rates of postage, reported the same with an amendment, which was concurred in.

The said preamble and resolution were then concurred in as amended.

Mr. Hardin, from the committee on the Judiciary, reported a bill providing for a change of venue in the prosecution against Samuel C. Snyder, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act requiring a list of the members of the Fire Engine and Hose Company of the City of Covington to be reported to the Clerk of the Kenton Circuit Court.

An act to incorporate the town of Blandville.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes presented the petition of John Tilford, praying for the passage of a law to compensate him for services rendered and expenses incurred in making sale of State Bonds, in the eastern cities, in the year 1836.

Which was received and referred to the committee on Finance.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to provide certain Justices of the Peace of Johnson county with Morehead and Brown's Digest, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to permit Julia Ann Keedy to import certain slaves into this Commonwealth.

An act to change the name of Henry Harrison Fraley, and for other purposes.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to change the place of voting in an election precinct in Whitley county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, reported a bill to change the place of voting in the Donalson precinct, in Caldwell county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston, from the same committee, made the following report, to-wit:

The committee on Privileges and Elections, to whom the protest of David Ballingal, the Representative of the county of Nicholas, was referred, protesting against the action of the Governor, in issuing a writ of election, directed to the counties of Scott and Bourbon, composing the 27th Senatorial District, and also against the legality of the late election of Senator in the 27th Senatorial District, have had the same under consideration:

And find, by examination, that the counties of Nicholas and Bourbon, by the act of 1839-40, composed the 27th Senatorial District; and, in the year 1842, Col. John S. Morgan was elected as Senator in said District, and by an act apportioning the representation in the Senate, and laying off the State into Senatorial Districts, passed at the session of 1843-4, the counties of Mason and Nicholas, by said act, were made to compose the 36th Senatorial District, and the counties of Scott and Bourbon the 27th Senatorial District.

That Col. John S. Morgan, who was the Senator elected from the counties of Nicholas and Bourbon, which counties, at the time of his election, composed the 27th Senatorial District, on the 10th day of December, 1844, then a resident of the county of Nicholas, resigned the office of Senator, and thereby the office became vacant, and to fill said vacancy, the Governor issued a writ of election, directed to the counties of Scott and Bourbon, which, at the time of the resignation of said Morgan, composed the 27th Senatorial District.

The foregoing are the facts pertaining to the investigation as presented to the committee. The question to be settled by the Senate, as your committee respectfully believe is, whether the Executive acted legally, in issuing the writ of election, and directing it to the counties of Scott and Bourbon, composing the 27th Senatorial District, or should said writ of election have been issued and directed to the county of Nicholas, in the 36th Senatorial District, and the county of Bourbon, in the 27th Senatorial District. The committee admit it is somewhat a perplexing question, and there is no precedent by which they can be governed in coming to a conclusion on the subject, neither do they find any thing in the constitution expressly embracing such a state of things. The constitution provides that one Senator from each District, shall be elected by those qualified to vote for Representatives therein, who shall give their votes at the several places in the counties or towns where elections are by law directed to be held. That Col. Morgan, in his resignation, styles himself Senator from the 27th Senatorial District, and by reference to the act of Assembly of 1843-4, districting the State, they find the counties of Bourbon and Scott compose that District, and that a writ of election, to fill the vacancy occasioned by the resignation of said Morgan, could not have issued to any other counties than those composing said District: Therefore,

Resolved, That the writ of election issued by the Governor, and directed to the counties of Bourbon and Scott, composing the 27th Senatorial District, to fill the vacancy occasioned by the resignation of Col. John S. Morgan, in said District, is legal and valid.

The said report was referred to the committee of the whole House on the State of the Commonwealth, and made the special order for Wednesday next.

Ordered, That the Public Printer print 150 copies of the said report, and also of the protest of David Ballingal, for the use of the General Assembly.

The Speaker laid before the Senate the Report of the Board of Internal Improvement, which is as follows, to-wit:

Hon. ARCHIBALD DIXON,

Lieutenant Governor and Speaker of the Senate:

SIR: I have the honor to lay before you, for the use of the Senate, a Report of the Board of Internal Improvement, and to be with profound respect, your obedient servant,

THOS. METCALFE, P. B. I. I.

[For the Report—see *Legislative Documents*.]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Slaughter—1. A bill authorizing the improvement of Capitol Square.

On the motion of Mr. Carpenter—2. A bill to exempt owners of Flat

Boats from paying tolls, that descend Barren and Green rivers above the influence of slackwater.

Also—3. A bill to amend the charter of the Turnpike Road from Glasgow to the Tennessee line, passing through Scottville, in Allen county.

On the motion of Mr. James—4. A bill to amend an act, approved March 2, 1844, establishing a Land Office west of the Tennessee river, at the town of Mayfield.

On the motion of Mr. Conner—5. A bill for the benefit of the Deputy Sheriff of Greenup county.

Messrs. Slaughter, Huston and W. P. Boyd were appointed a committee to prepare and bring in the 1st; Messrs. James, A. Boyd and Ballard the 4th; the committee on Internal Improvement was directed to prepare and bring in the 2d and 3d; and the committee on Finance the 5th.

On the motion of Mr. Woodson, leave was given to withdraw the petition of John Lafon.

And then the Senate adjourned.

FRIDAY, JANUARY 10, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act to authorize the appointment of a Justice of the Peace and Constable in Whitley county, and for other purposes.

An act for the benefit of Mary Ann Fugate.

An act to allow an additional Justice of the Peace to Johnson county.

That they had passed bills from the Senate of the following titles, to-wit:

An act allowing an additional Justice of the Peace and Constable to Johnson county, and for other purposes.

An act to amend an act, entitled, an act to amend the charter of Cumberland College, approved February 16, 1838, and the act approved February 18, 1841.

An act providing for a change of venue in the prosecution against Hiram B. Pearce.

An act to amend an act, entitled, an act reducing into one the several acts for apprehending and securing Runaways, approved January 16, 1798.

That they had passed bills of the following titles, to-wit:

1. An act to prevent fraud in the sale of Salt.
2. An act to amend an act incorporating the Maysville Manufacturing Company, and for other purposes, approved March 2, 1844.
3. An act for the benefit of John Cunningham.
4. An act for the benefit of Lois Smallwood.
5. An act for the benefit of John C. Wagoner, and the heirs of George Munday.
6. An act for the benefit of William Butler, of Monroe county.
7. An act to allow an additional Constable to Pulaski county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with, they were referred: the 1st, 6th and 7th to the committee on Propositions and Grievances; the 2d and 5th to the committee on the Judiciary; and the 3d and 4th to the committee on Finance.

1. Mr. South presented the petition of James Johnson, praying for the passage of a law allowing him to build a fish dam across the middle fork of the Kentucky river.

2. Mr. Wallace presented the petition of sundry citizens of Boone county, praying for the passage of a law remunerating James C. Ashbrook, for maintaining his daughter, an Idiot.

3. Mr. Wallace also presented the petition of Wesley Dean, praying for the passage of a law compensating him for damage done him by the slack water of the Kentucky river.

4. Mr. W. P. Boyd presented the remonstrance of sundry citizens of Lewis county, against the formation of a new county out of parts of the counties of Fleming, Lewis, Carter and Morgan.

5. Mr. Harris presented the petition of sundry citizens of the counties of Morgan, Bath and Montgomery counties, praying for the passage of a law forming a new county out of parts of said counties.

Which were received and referred: the 1st and 3d to the committee on Internal Improvement; the 2d to the committee on Finance; and the 4th and 5th to the committee on Propositions and Grievances.

Mr. Hardin, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of Susan M. Wilson.

An act for the benefit of Isaac Johnson, and others.

An act authorizing Mary Jane Pottinger to confirm the sale of a slave made by her guardian, George W. Pottinger.

Reported the same with amendments to each, which were concurred in.

Ordered, That said bills be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,
Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the relief of Ishmael C. Sutton, Constable of Ohio county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the law dispensing with seals to certain instruments of writing, reported the same with the opinion of the committee that it ought not to pass, and the said bill was recommitted to the committee on the Judiciary.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the penal laws, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Hardin, from the same committee, reported a bill providing for a change of venue in the prosecution against Joseph N. Allen, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred the petition of Robert Owen and Elisha R. Whitaker, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

Which was concurred in.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to change the name of the town of Breathitt, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Amelia M. Hamilton, and for other purposes, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to establish the county of Fulton, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gray and A. Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Dyer,	Peyton,
Bennett,	Gilles,	Rodes,
Boyd, A.	Hardin,	South,
Boyd, W. P.	Harris,	Swope,
Bradford,	Holloway,	Taylor,
Carpenter,	Huston,	Wallace,
Chenault,	James,	Walker,
Conner,	Marshall,	Winfrey,
Crenshaw,	McAfee,	Woodson—29.
Drake,	Palmer,	

Those who voted in the negative, were—

Messrs. Gray,	Patterson,	Slaughter—4.
Helm,		

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill to reduce into one the several acts exempting property from execution was taken up and amended to read as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, there shall be reserved to each and every defendant or defendants in execution, attachment for debt, or fee bill, the following property, to-wit: one *work beast*, or yoke of oxen; one plough and gear; one axe; one *hoe*; two cows and calves; two beds, bedding and furniture; one loom, and spinning wheels and cards for the same; all the spun yarn and manufactured cloth and carpeting manufactured by the family, necessary for the use of the family; one pot; one *oven*; half dozen plates; half dozen cups and saucers; one coffee pot, one tea pot; half dozen knives and forks; one table; the family Bible; one *saddle and its appendages*; one *bridle*; six chairs, not exceeding eight dollars in value; poultry of their own rearing, or purchased for family use; five head of sheep, and wearing apparel; and to a mechanic, his tools, not exceeding one hundred dollars in value: *Provided, however*, That the work beast of any mechanic, who claims the exemption of his tools, under the provisions of this act, shall be liable to execution, attachment for debt, or fee bills, as heretofore.

SEC. 2. That when any officer in this Commonwealth shall receive any execution, attachment for debt, or fee bill, for collection, after he shall have made a levy, and before he proceeds to sell, (if he shall have levied upon any of the following property,) he shall first call upon two disinterested housekeepers, who having been duly sworn by said officer faithfully to discharge the duty, shall set apart to said defendant or defendants, as much provision, including bread stuffs and animal food, and as much wood, or stone coal laid in for family consumption, as fuel, as will be sufficient for said defendant or defendants, and his, her or their family or families, for six months from and after the time of said levy; which provision, wood or stone coal, so set apart, shall not be sold, but shall be exempt from sale, and reserved for the use of the defendant or defendants, and his, her or their families; *Provided*, That this act shall not extend to any but actual *bona fide* housekeepers with a family, and that all the property aforesaid shall remain subject to the payment of the revenue tax and county levy.

SEC. 3. That an act, entitled, "an act to amend the execution laws," approved March 10, 1843, exempting two hundred and fifty dollars worth of property from execution, and so much of all other acts as come within the purview of this act, be, and the same are hereby repealed.

Mr. Helm moved further to amend the said bill, by inserting after the words "work beast," printed in italics, the words "or two, not to exceed in value forty dollars each," and after the word "hoe," printed in italics, the words "one cradle and sythe;" and to strike out the words, "one saddle and its appendages, and one bridle," also printed in italics, and to insert in lieu thereof the words, "one man's saddle and one woman's saddle, and their appendages, two bridles;" and also to add to the bill the following sections, viz:

"That each and every species of property specified in the above act, shall not be considered as assets in the hands of executors and administrators, but shall be reserved to the widow of any decedent.

That each of the above articles of property shall be exempted, upon the provisos applied in each of the acts by which they were severally exempted."

Mr. Harris moved the previous question.

The question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Taylor, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Crenshaw,	Marshall,
Boyd, A.	Gray,	Patterson,
Boyd, W. P.	Hardin,	Peyton,
Carpenter,	Harris,	Slaughter,
Chenault,	Holloway,	South,
Conner,	Huston,	Taylor—18.

Those who voted in the negative, were—

Messrs. Bennett,	McAfee,	Wallace,
Bradford,	Palmer,	Walker,
Drake,	Rodes,	Winfrey,
Dyer,	Swope,	Woodson—13.
Helm,		

Ordered, That the said bill be engrossed and read a third time.

On the motion of Mr. Crenshaw,

Resolved, That the committee on Privileges and Elections be directed to enquire into the propriety of repealing the first section of an act, entitled, "an act to amend the law regulating the election of Electors," approved November 10, 1824; and also, of so amending the election laws as to define more particularly the duties of the Judges of elections, in regard to keeping open the polls at the several precincts in the several counties of this Commonwealth more than one day, unless specially requested to do so by some one of the candidates; and also, of examining into the propriety of conferring on said Judges, authority to administer an oath to each voter applying to vote out of the precinct in which he resides, that he has not and will not vote at any other place of voting, during the election at which such application is made; and also, of increasing the penalties now provided by law for illegal voting.

Mr. Harris, from the select committee appointed for that purpose, reported a bill to modify the law of 1833, prohibiting the importation of slaves into the State for the purposes of merchandise, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading was dispensed with, and the Public Printer directed to print 150 copies of said bill for the use of the General Assembly.

On the motion of Mr. Rodes,

WHEREAS, considerable inconvenience has been, and still is experienced, by the people of this Commonwealth, in consequence of the tolls on our Turnpike roads not conforming to our federal coin in several particulars, thereby creating difficulties and disputes with the Collectors; therefore

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of so regulating the tolls on said roads, as to make them payable in the coin of the United States, and report by bill or otherwise.

And then the Senate adjourned.

SATURDAY, JANUARY 11, 1845.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act the better to define the western and southern limits of the City of Louisville, and for other purposes.
 2. An act to change an election precinct in the county of Perry, and for other purposes.
 3. An act allowing an additional Justice of the Peace to the county of Greenup.
 4. An act for the benefit of James Venable, of Shelby county.
 5. An act for the benefit of George O. Thompson.
 6. An act allowing two additional Justices of the Peace to Caldwell county.
 7. An act to authorize the young men of Russellville to have a Thespian Society without licence.
 8. An act for the benefit of the widow and heirs of Morris Tudor, deceased.
 9. An act for the benefit of Nancy and Robert W. Lowry, Jr.
 10. An act to provide for a change of venue in the prosecution against Addison, a slave.
 11. An act for the benefit of Ann M. Prewitt.
 12. An act for the benefit of Daniel Bailey.
 13. An act to amend the charters of the cities of Louisville and Covington.
 14. An act for the benefit of David Janes and his wife.
 15. An act to change the election precinct held at James Butler's, in Adair county, to John S. Coleman's, in said county.
 16. An act for the benefit of Hiram Begley.
 17. An act to legalize the appointment of Benjamin Alsop, Constable of Daviess county.
 18. An act to legalize the proceedings of the Estill County Court, held in October, 1844.
 19. An act for the benefit of L. B. Stark.
 20. An act to establish an additional election precinct in Harlan County.
- Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 3d, 6th and 9th to the committee on Propositions and Grievances; the 2d, 15th and 20th to the committee on

Privileges and Elections; the 4th, 8th, 10th, 13th, 17th and 18th to the committee on the Judiciary; the 5th, 7th, 12th, 14th, 16th and 19th to the committee on Finance; and the 11th to the committee on Religion.

1. Mr. Walker presented the petition of Constant A. Wilson, praying for the passage of a law allowing him to import certain slaves into this State.

2. Mr. Gray presented the petition of Joseph H. McFadin and others, heirs of John McFadin, deceased, praying for the passage of a law authorizing a sale of the slaves and lands of said decedent, so as to effect a division among his heirs.

3. Mr. Gray also presented the petition of D. R. D. Dobyns, guardian for James H. and Thomas D. Crabtree, praying for the passage of a law authorizing the sale of the slaves belonging to said infants.

4. Mr. Slaughter presented the petition of Benjamin E. F. Lee, who stands bound by a recognizance to appear at the next February term of the Nelson Circuit Court, to answer to a charge of passing counterfeit money, praying for the passage of a law granting him a change of venue.

Which were received and referred: the 1st to the committee on Propositions and Grievances; and the 2d, 3d and 4th to the committee on the Judiciary.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

1. An act to change a precinct in Harlan county.
2. An act to establish an election precinct in the county of Pike.
3. An act to establish an additional election precinct in Hopkins county.
4. An act regulating the precincts of Jefferson county, and for other purposes.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading of the 1st, 2d and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Trustees of the Centre Point Meeting House, in Monroe county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

1. An act to incorporate the Trustees of the Tompkinsville Old School Presbyterian Church, in Monroe county.

2. An act for the benefit of the Methodist Episcopal Church in Elkton.

Reported the same without amendment.

The first bill was amended.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, the first as amended, do pass, and that the titles thereof be as aforesaid.

Mr. A. Boyd, from the same committee, to whom was referred the petitions of Mrs. Martha Farrar, Wiley J. Gunter, Elijah Ferrill and Frederick Bruckett, reported the following resolution thereon, to-wit:

Resolved, That the said petitions be rejected.

Which was twice read and concurred in.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

1. An act to amend an act, entitled, an act to regulate the management of the Wilderness road, and for other purposes, approved March 2, 1844.

2. An act for the benefit of Aquilla Hoskins.

3. An act for the benefit of John Vickers.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading of the 2d and 3d bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Dyer, from the same committee, reported a bill permitting James Johnson to erect a mill dam across the middle fork of the Kentucky river, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Richmond Female Institute, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

A bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, was made the special order of the day for Monday next, the 13th instant.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John C. Wagoner, and the heirs of George Munday, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to allow an additional Constable to Pulaski county.

An act for the benefit of William Butler, of Monroe county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to prevent fraud in the sale of Salt, reported the same with an amendment, which was concurred in.

Mr. McAfee moved further to amend the said bill by adding thereto the following:

"And all Salt hereafter sold in this State shall be estimated at 56 pounds to the bushel."

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Patterson, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Marshall,	Peyton,
Bennett,	McAfee,	South,
James,	Patterson,	Wallace—9.

Those who voted in the negative, were—

Messrs. Boyd, A.	Drake,	Rodes,
Boyd, W. P.	Dyer,	Slaughter,
Bradford,	Gray,	Swope,
Carpenter,	Hardin,	Taylor,
Chenault,	Holloway,	Walker,
Conner,	Huston,	Winfrey—19.
Crenshaw,		

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with, *Resolved*, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Bennett—1. A bill to amend the several acts in relation to the Newport Seminary.

On the motion of Mr. Holloway—2. A bill authorizing a transcript of the books in the Surveyor's office in the county of Henderson.

On the motion of Mr. South—3. A bill for the benefit of Harris T. Garnett, of Breathitt county.

On the motion of Mr. Helm—4. A bill to prescribe the manner in which copies of releases executed by Contractors to the State, under the act to provide for the payment of Contractors on the public works, should be obtained.

The committee on Education was directed to prepare and bring in the 1st; the committee on Finance the 2d; and the committee on the Judiciary the 3d and 4th.

Mr. Winfrey moved that the committee on Finance be discharged from the duty of preparing and bringing in a bill to reduce the salaries of the officers of this Commonwealth, and that a select committee be appointed to prepare and bring in the said bill.

And the question being taken thereon, it was decided in the negative.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to amend an act, entitled, an act to amend the charter of Cumberland College, approved February 16, 1838, and the act approved February 18, 1841.

An act to amend an act, entitled, an act reducing into one the several acts for apprehending and securing Runaways, approved January 16, 1798.

An act allowing an additional Justice of the Peace and Constable to Johnson county, and for other purposes.

An act providing for a change of venue in the prosecution against Hiram B. Pearce.

And enrolled resolutions and bills which originated in the House of Representatives, of the following titles, to-wit:

Resolutions in relation to the erection of a Marine Hospital at Paducah.

A resolution appointing a joint committee to revise the Common School laws.

An act to incorporate the town of Benton.

An act to reduce the price of vacant lands in Laurel county.

An act for the benefit of Mechanics and others, of Bowlinggreen.

An act to authorize the appointment of a Justice of the Peace and Constable in Whitley county, and for other purposes.

An act for the benefit of Mary Ann Fugate, and Thomas Sexton.

An act to amend an act to add a part of Adair county to the county of Casey, approved January 29, 1844.

An act to allow an additional Justice of the Peace to Johnson county, and for other purposes.

An act allowing an additional Justice of the Peace to Greenup county.

An act to change the name of Martha Stewart Whitecotton.

An act for the benefit of the Mechanics of Bardstown and Nelson county.

An act to establish the county of Fulton.

And had found the same truly enrolled.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Mr. Drake presented certain depositions in relation to the petition of Sophia Jeffries for a divorce, which were received and referred to the committee on Religion.

Messrs. Huston, Palmer and Peyton were appointed a committee on the part of the Senate to examine Transylvania University and the Lunatic Asylum.

The Speaker laid before the Senate a letter of John S. Morgan, and the proceedings of a public meeting of the citizens of Nicholas county, in relation to the election of Senator in the 27th Senatorial District, which was referred to the committee of the whole House on the State of the Commonwealth, and made the order of the day for Wednesday the 15th instant.

A communication was received from the Governor, by Mr. Hardin, Secretary of State, which is as follows, to-wit:

To the Speaker of the Senate:

SIR: In compliance with the resolution of the Senate of the 7th instant, I have the honor to transmit to that body, a copy of the inventory and appraisement, made by Apperson and Bullock, of the raw material, stock, manufactured articles, machinery, tools and implements, which were on hand in the Penitentiary, when the late Keeper's term of service expired; together with the subsequent inventory and appraisement of the same articles made by Messrs. Needham, Glover, Scott and others; and a copy of the inventory of machinery, tools and implements, left in the hands of the late Keeper of the Penitentiary when he entered upon the duties of his office. I also transmit a letter, explanatory, from the Clerk of the Penitentiary.

WM. OWSLEY.

January 11, 1845.

The said communication and accompanying documents were referred to the committee on the Pniententiary.

Mr. Helm moved the following as an additional rule of the Senate, to-wit:

That whenever a bill is reported to the Senate from a committee, the same shall be handed to the Clerk, whose duty it shall be to read said bill, unless the reading be dispensed with by a vote of the Senate.

The rule of the Senate being dispensed with, the said rule was taken up, twice read and adopted.

And then the Senate adjourned.

MONDAY, JANUARY 13, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to preamble and resolutions in relation to the rates of postage.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act for the benefit of Susan M. Wilson.

An act for the benefit of Isaac Johnson, and others.

An act authorizing Maria Jane Pottinger to confirm the sale of a slave made by her guardian, George W. Pottinger.

That they had passed bills from the Senate of the following titles, to-wit:

An act for the benefit of the Sheriff of Grant county.

An act to authorize the Trustees of Taylorsville to close part of Water street, and for other purposes.

An act for the benefit of the Floyd Circuit Court Clerk.

An act providing for a change of venue in the prosecution against Samuel C. Snyder.

An act to provide certain Justices of the Peace of Johnson county with Morehead and Brown's Digest.

An act to change the place of voting in the Donalson precinct, in Caldwell county.

An act to change the name of the town of Breathitt.

That they had passed bills of the following titles, to-wit:

1. An act to repeal the first section of an act limiting the number of Justices of the Peace in the county of Wayne, and for other purposes.

2. An act to amend the statute of limitation on merchants accounts.

3. An act for the benefit of Isaac Bolt.

4. An act requiring certain duties of the Commissioners of Tax, and County Court Clerks before the County Court shall receive the Commissioner's books.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on the Judiciary; and the 3d and 4th to the committee on Finance.

The Speaker laid before the Senate the Annual Report of the Trustees of the Deaf and Dumb Asylum, at Danville.

[*For the Report—see Legislative Documents.*]

Ordered, That said Report be referred to the Committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

The Speaker laid before the Senate the Annual Report of the Board of Visitors of the Kentucky Institution for the Education of the Blind.

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Education, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

1. Mr. Marshall presented the petition of Hugh Mitchell and others, praying for the passage of a law declaring Little River a navigable stream from its mouth to Mitchell's Mill.

2. Mr. Holloway presented the petition of George W. King, praying for the passage of a law remunerating him for damage done his mill by the slack water on Green River.

3. Mr. Ballard presented the petition of sundry citizens of Oldham county, praying for the passage of a law allowing an additional Constable to said county.

4. Mr. Rodes presented documents in support of the petition of John Tilford, for compensation for making sale of certain State Bonds as the Agent of the State.

5. Mr. Patterson presented the petition of sundry citizens of Caldwell county, praying for the repeal of the law commonly denominated the \$250 exemption law.

6. Mr. Chenault presented the petition of sundry citizens of the county of Garrard, praying for the passage of a law changing the time of holding the February term of the Garrard Circuit Court, and also the remonstrance of sundry citizens of said county against said change.

7. Mr. Field presented the petition of Abraham Hite, guardian of Sarah

E. Snead, praying for the passage of a law authorizing him to make sale of a slave belonging to said Sarah.

Which were received: the 5th was read and laid on the table; the 1st and 2d were referred to the committee on Internal Improvements; the 3d, 6th and 7th to the committee on the Judiciary; and the 4th to the committee on Finance.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the petition of D. R. D. Dobyns, and the petition of Joseph H. McFadin, and others, heirs of John McFadin, deceased, reported the following resolution thereon, to-wit:

Resolved, That the said petitions be rejected.

Which was twice read and concurred in.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the Lancaster and Crab Orchard Turnpike Road Company, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to provide for a change of venue in the prosecution against Addison, a slave, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they were referred, without amendment, to-wit:

By Mr. Hardin, from the committee on the Judiciary:

An act to legalize the appointment of Benjamin Alsop, Constable of Daviess county.

An act to legalize the proceedings of the Estill County Court, held in October, 1844.

By Mr. Walker, from the committee on Propositions and Grievances:

An act the better to define the western and southern limits of the City of Louisville, and for other purposes.

An act allowing an additional Justice of the Peace to the county of Greenup.

By Mr. Huston, from the committee on Privileges and Elections:

An act to change the election precinct held at James Butler's, in Adair county, to John S. Coleman's, in said county.

An act to change an election precinct in the county of Perry, and for other purposes.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act allowing two additional Justices of the Peace in Caldwell county, reported the same without amendment.

On the motion of Mr. Patterson, the said bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Nancy and Robert W. Lowry, Jr., reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. Walker, from the same committee, reported a bill for the benefit of Constant A. Wilson, of Logan county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, to-wit:

An act to amend an act, entitled, an act to amend the charter of Cumberland College, approved February 16, 1838, and the act approved February 18, 1841.

An act to amend an act, entitled, an act reducing into one the several acts for apprehending and securing runaways, approved January 16, 1798.

An act providing for a change of venue in the prosecution against Hiram B. Pearce.

An act to allow an additional Justice of the Peace to Johnson county, and for other purposes.

Approved January 11, 1845.

Mr. Rodes read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on the 21st day of January, proceed, by joint ballot of both Houses, to the election of the Public Officers of this State.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

Mr. Drake moved that a message be sent to the House of Representatives,

asking leave to withdraw the report of the disagreement of the Senate to a bill from that House, entitled, an act to amend the penal laws.

And the question being taken thereon, it was decided in the negative.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Walker—1. A bill for the benefit of Robert Forsythe.

On the motion of Mr. Bennett—2. A bill to authorize the County Court of Kenton county to change, at certain points, the location of the State Road leading from Independence to Covington.

On the motion of Mr. Fox—3. A bill to add the county of Wayne to the 8th Judicial District.

On the motion of Mr. Crenshaw—4. A bill to change the time of holding the Allen and Edmonson Circuit Courts.

On the motion of Mr. Field—5. A bill further to regulate proceedings in the Louisville Chancery Court.

On the motion of Mr. Helm—6. A bill to amend the charter of the Louisville and Elizabethtown Turnpike Road Company.

On the motion of Mr. Crenshaw—7. A bill to add the counties of Hart, Grayson and Barren to the 8th Judicial District, and the counties of Adair, Russell, Clinton and Wayne to the 18th Judicial District.

The committee on the Judiciary was directed to prepare and bring in the 1st, 3d, 4th, 5th and 7th; and the committee on Internal Improvement the 2d and 6th.

The Senate proceeded to the consideration of a bill to modify the law of 1833, prohibiting the importation of slaves into the State for the purpose of merchandise.

Mr. Taylor moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Drake,	Huston,
Boyd, A.	Dyer,	Key,
Boyd, W. P.	Field,	Palmer,
Bradford,	Fox,	Rodes,
Chenault,	Hardin,	Slaughter,
Crenshaw,	Holloway,	Taylor—18.

Those who voted in the negative, were—

Messrs. Carpenter,	James,	Peyton,
Conner,	Marshall,	Swope,
Gilless,	McAfee,	Wallace,
Gray,	Newell,	Walker,
Harris,	Patterson,	Winfrey—16.
Helm,		

Mr. Drake moved to reconsider the vote laying the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	Patterson,
Bennett,	Harris,	Peyton,
Boyd, A.	Helm,	South,
Bradford,	James,	Swope,
Carpenter,	Marshall,	Wallace,
Conner,	McAfee,	Walker,
Gilless,	Newell,	Winfrey—21.

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Field,	Key,
Chenault,	Fox,	Palmer,
Crenshaw,	Hardin,	Rodes,
Drake,	Holloway,	Slaughter,
Dyer,	Huston,	Taylor—15.

The question was again taken on laying the said bill on the table, and it was decided in the negative, the Senate being equally divided, the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Taylor and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Field,	Palmer,
Boyd, W. P.	Fox,	Patterson,
Chenault,	Hardin,	Rodes,
Crenshaw,	Holloway,	Slaughter,
Drake,	Huston,	Swope,
Dyer,	Key,	Taylor—18.

Those who voted in the negative, were—

Messrs. Ballard,	Gray,	Newell,
Boyd, A.	Harris,	Peyton,
Bradford,	Helm,	South,
Carpenter,	James,	Wallace,
Conner,	Marshall,	Walker,
Gilless,	McAfee,	Winfrey—18.

On the motion of Mr. Harris, the further consideration of the said bill was postponed, and it was made the special order of the day for Monday, the 20th instant.

A bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, was taken up and referred to the committee of the whole House on the State of the Commonwealth.

Whereupon, the Senate resolved itself into a committee of the whole House, Mr. Walker in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Walker reported that the committee had, according to order, had the said bill under consideration, and made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again on the said bill on Monday next, which leave was granted.

And then the Senate adjourned.

TUESDAY, JANUARY 14, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

An act to change the name of Martha Stewart Whitecotton.

An act to incorporate the town of Benton, and for other purposes.

An act to reduce the price of vacant lands in Laurel county.

An act to allow an additional Justice of the Peace to Johnson county, and for other purposes.

An act allowing an additional Justice of the Peace to Greenup county.

An act for the benefit of the Mechanics of Bardstown and Nelson county.

An act for the benefit of Mechanics and others, of Bowlinggreen.

An act to amend an act to add a part of Adair county to the county of Casey, approved January 29, 1844.

Approved January 11, 1845.

That they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, to-wit:

An act to prevent fraud in the sale of Salt.

An act to incorporate the Trustees of the Centre Point Meeting House, in Monroe county.

An act to incorporate the Trustees of the Tompkinsville Old School Presbyterian Church, in Monroe county.

That they had passed bills of the following titles, to-wit:

An act to allow two additional Justices of the Peace to the county of Casey, and for other purposes.

An act for the benefit of James Angel.

An act for the benefit of the widows of Larue county.

An act to regulate certain duties of Clerks.

An act for the benefit of David R. Gist, of Clarke county.

An act for the benefit of William H. Richardson.

An act to legalize the proceedings of the 45th Regiment of Kentucky Militia.

A message was received from the Governor, by Mr. Mitchell, Assistant Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Benjamin Hardin, to be Secretary of State. WM. OWSLEY.

January 14, 1845.

Resolved, That the Senate advise and consent to the said appointment.

The Speaker laid before the Senate the Annual Report of the Commissioners of the Sinking Fund, which is as follows, to-wit:

To the General Assembly of Kentucky:

The Commissioners of the Sinking Fund transmit herewith their Annual Report. WM. OWSLEY, *Chairman*.

January 14, 1845.

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Key presented the petition of sundry citizens of the City of Maysville, praying for the passage of a law amending the charter of said City, which was received and referred to the committee on the Judiciary.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the benefit of Robert Forsythe, of Mercer county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Taylor and McAfee, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	Newell,
Boyd, A.	Helm,	Patterson,
Carpenter,	Huston,	South,

Chenault,
Conner,
Dyer,
Gilles,
Gray,

James,
Key,
Marshall,
McAfee,

Wallace,
Walker,
Winfrey,
Woodson—22.

Those who voted in the negative, were—

Messrs. Boyd, W. P.
Bradford,
Crenshaw,
Drake,

Field,
Fox,
Hardin,
Peyton,

Rodes,
Swope,
Taylor—11.

Resolved, That the title of the said bill be as aforesaid.

Mr. Hardin, from the same committee, reported the following bills, to-wit:

An act to incorporate the Cloverport Seminary.

An act to amend an act approved March 2d, 1844, in relation to Constables.

An act to regulate the terms of the Spencer Circuit Court.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, reported a bill for the benefit of Foster Ray, of Marion county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rodes and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Bennett,
Boyd, A.
Bradford,
Conner,
Drake,
Dyer,
Gilles,

Gray,
Harris,
Helm,
Huston,
James,
Key,
Marshall,
McAfee,

Palmer,
Patterson,
South,
Swope,
Wallace,
Walker,
Winfrey—23.

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Fox,	Peyton,
Carpenter,	Hardin,	Rodes,
Chenault,	Holloway,	Taylor,
Crenshaw,	Newell,	Woodson—13.
Field,		

Resolved, That the title of said bill be as aforesaid.

A communication, in writing, was received from the Governor, by Mr. Hardin, Secretary of State, in answer to the resolution of the Senate, moved by Mr. Peyton on the 6th instant, which is as follows, viz:

Gentlemen of the Senate:

In reply to your resolution of the 6th instant, I have the honor to state:

That it appears on the Executive Journals, the Governor, on the 2nd of September, 1843, placed in the hands of John Tilford, Esq., State Bonds for one thousand dollars each, bearing an interest of five per cent., to the amount of one hundred thousand dollars, with authority to sell the same under the restrictions and limitations contained in a letter of instructions, a copy of which is herewith transmitted. The bonds were issued and the authority given to the agent, Tilford, to make sale thereof, under the act, approved March 8, 1843, entitled, "an act to amend the charters of the Banks of Kentucky." But it appears that the bonds could not be sold in conformity to the power so given; and on the 30th day of November, 1843, the Governor gave another letter of instructions to Tilford, a copy whereof is also transmitted. Under this latter authority, the bonds were sold, as appears by the Governor's Message to the House of Representatives, the 26th February, 1844, (House Journal, page 468.) I am informed by the Secretary of the Sinking Fund, that after deducting brokerage of one-fourth per cent., the proceeds of the sale amounted to \$96,750, which was deposited, by the Agent, in the Bank of America, in the City of New York, subject to the check of the Governor or his agent, Tilford; and that subsequently, \$20,731 75 was expended in the purchase of two hundred and thirty one shares of stock in the Bank of Louisville.

33 shares at 88, -	-	-	-	-	-	\$2,904 00
20 shares at 90, -	-	-	-	-	-	1,800 00
Brokerage, -	-	-	-	-	-	13 25
50 shares at 90, -	-	-	-	-	-	4,500 00
50 shares at 89, -	-	-	-	-	-	4,450 00
Brokerage, -	-	-	-	-	-	25 00
78 shares at 90, -	-	-	-	-	-	7,020 00
Brokerage, -	-	-	-	-	-	19 50
231 shares costing,	-	-	-	-	-	<u>\$20,731 75</u>

This sum deducted from the net proceeds of sale, leaves a balance of \$76,018 25, which was, on the 21st June, 1844, by the Governor's check, transferred on the books of the Bank of America, to the credit of the Com-

missioners of the Sinking Fund, and the same is placed to the credit of the State of Kentucky, on the books of the Sinking Fund. There has been no other investment, because, as I am informed, stocks rose in value and could not be purchased at the price contemplated at the passage of the act of 1843, under which the sale of the bonds was made. The balance of the money, after paying for the two hundred and thirty one shares of stock, remains in the Bank of America, subject to the check of the Commissioners of the Sinking Fund. I understand that the Commissioners hold the certificates for the stock purchased, in their names, and have received a dividend thereon at the rate of six per cent. per annum. Thus you will perceive, that no part of the money received for the sale of the bonds, was paid over to Contractors on the public works, as was directed by the act, approved 2d March, 1844; nor did I know of the existence of that act until within a few days before the commencement of the present session of the Legislature. I had previously, upon the requisition of the Board of Internal Improvement, issued bonds to the amount of eleven thousand dollars, under another act, approved the 2d March, 1844, entitled, "an act to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved, March 11, 1843." These bonds, issued by me, were not paid to Contractors, but were sold at the best price that could be obtained in the Eastern market, and that after applying their nominal amount to the payment of those for whose benefit the bonds were issued, and incidental expenses, the State realized a small profit. I have since received from the Board of Internal Improvement, a requisition for three thousand dollars, in favor of other Contractors, but discovering the act of 2d March, 1844, referred to in the resolutions, I declined issuing bonds therefor. My predecessor issued bonds for the benefit of Contractors, to the amount of one hundred and forty thousand dollars. These bonds were issued by him under the same act that the bonds were issued under by me. I am informed by him, that he found it impracticable, under existing circumstances, to comply with the provisions of the act of 2d March, 1844, to which the resolutions refer, and to do justice to the Contractors who had claims against the State. He had previously authorized an agent to invest the money in stocks, for which the State bonds had been sold, and did not know whether the investment had or had not been made. If not made, there was not money sufficient to pay all the Contractors, and it was deemed impracticable to pay part in money and part in bonds, and at the same time comply with the requirements of the act authorizing the issuing bonds for that purpose. With a view to more full information on this subject, I addressed a note to the Secretary of the Board of Internal Improvement, to which he replied, and I herewith transmit his reply and my note to him. I am informed that all the bonds issued by my predecessor, were issued under requisitions of the Board of Internal Improvement, in behalf of Contractors, all, or mostly all, of whom received the bonds at par, in payment of their claims against the State, and in cases where the bonds were not so received, they were sold, and their nominal amount paid to the Contractors, and the excess, after discharging incidental expenses, where there was any excess, was paid to the State.

January 14, 1845.

WM. OWSLEY.

R. P. Letcher's letter of instructions to John Tilford, concerning the sale of 5 per cent. bonds.

EXECUTIVE DEPARTMENT, KENTUCKY, }
Frankfort, Sept. 2d, 1843. }

TO JOHN TILFORD, Esq., *Lexington*:

Dear Sir:—I have appointed you Agent of the State of Kentucky, to proceed to the Eastern cities to make sale of 5 per cent. Kentucky State bonds, and invest the proceeds in the Stocks of the Banks of this State, as directed by the 22d section of the act, approved 8th March, 1843, entitled, "an act to amend the charters of the Banks of Kentucky."

I hand you herewith, one hundred bonds of \$1,000 each, dated the 1st of July, 1843, payable 30 years after date, to John Tilford, or bearer, and bearing an interest of 5 per cent. per annum, the interest payable semi-annually, in the city of New York; also, a power of attorney, and a copy of the 22d section of the act referred to, duly authenticated.

You will observe, the law limits the price to be paid for the Stocks, and if you ascertain that the purchase cannot be made upon terms at least as low as therein authorized, you will bring the bonds back with you, on your return to Kentucky.

If you should purchase Stock in more than one of the Banks, and the aggregate price of the whole does not exceed the limits prescribed by the act, to-wit: 20 per cent. for Kentucky Bank Stock, and 10 per cent. for either of the other Banks, I think the spirit of the law would be complied with.—For example, if you should purchase 500 shares of Kentucky Bank Stock, at \$25 less than the five per cent. bonds, and 500 shares of Bank of Louisville, or Northern Bank at \$15 less than the bonds, when added together, the former would cost \$20 less, and the other \$10 less than the bonds.

You will, of course, make the most favorable contract for the State. But in no event are the bonds to be sold unless the proceeds can be invested in the Bank Stocks, on terms at least as favorable as the law authorizes.

I will add, that it is expected you will make the best possible bargain for the interest of the State.

I am, very respectfully,

Your ob'dt. serv't,

(Signed,)

R. P. LETCHER.

R. P. Letcher's letter of instructions to John Tilford, concerning the sale of 5 per cent. State bonds.

EXECUTIVE DEPARTMENT, }
Frankfort, November 30, 1843. }

TO JOHN TILFORD, Esq., *Lexington*:

Dear Sir:—In September last, I appointed you Agent for the State of Kentucky, to proceed to the Eastern cities, and make sale of one hundred thousand dollars of 5 per cent. State bonds, and invest the same in Stocks of the Bank of Kentucky, Northern Bank of Kentucky, and Bank of Louisville, or either of them, in pursuance of the 22d section of the act of the

8th of March, 1843, entitled, "an act to amend the charters of the Banks of Kentucky;" and you having failed to make sale of the bonds and purchase the Stocks, mainly because of the difficulty of making a sale and purchase simultaneously; and being desirous that the objects and wishes of my constituents, as expressed in said law, passed by their Representatives, should be carried into effect, I have to request that you again proceed forthwith to the Eastern cities, and endeavor to carry into effect the objects of said law, as shown in my letter to you, and the power of attorney accompanying it, bearing date the 2d of September last, with such modifications of the instructions as may be contained herein.

1st. It is very desirable that you ascertain that the amount of Stocks of those Banks, or either of them, can be purchased at a price which the proceeds of the sale of the bonds will bring the Stocks within the limits prescribed by the law, and that the sale of the bonds, and the purchase of the Stocks be made, if possible, simultaneously, so as to avoid the risk of first selling the bonds and then not being able to purchase the Stocks at the prices fixed by the law; but

2d. If that cannot be done on account of the dispersed condition of the Bank Stocks, or otherwise, then you are requested to make sale of the \$100,000 of 5 per cent. State bonds, herewith re-delivered to you, for the best price you can obtain, not less, however, than \$—, for each hundred dollars of said bonds, taking into consideration, of course, the interest which may have accrued on the bonds since their date, (1st July, 1843); and then proceed forthwith to make purchases of the Bank Stocks upon the terms prescribed by the law and my letter to you of the 2d September last.

3d. If you should not succeed in investing the whole proceeds of the bonds in Stocks before your departure for Kentucky, you will deposite the balance in the Bank of America, to the credit of the State of Kentucky, and bring with you a certificate thereof, together with the evidences of the Stock which you may purchase.

4th. If you should sell a part of the \$100,000 of bonds only, you will bring the remainder of them to Kentucky.

I will only add, as in my former letter, that it is expected you will make the best possible bargain for the interest of the State.

I am, very respectfully,

Your ob't. serv't.

R. P. LETCHER.

FRANKFORT, 10th January, 1845.

AUSTIN P. COX, *Secretary Board Int. Improvement:*

Sir:—I have received the enclosed resolutions from the Senate, and not having a personal knowledge of all the matters therein referred to, I take the liberty of asking you to furnish me with such information, bearing upon the subject of the resolutions, as your official station may have placed in your power.

Respectfully,

WM. OWSLEY.

FRANKFORT, January 10, 1845.

His Excellency, GOVERNOR OWSLEY:

In answer to your enquiry of to-day, I have the honor to state, that the third section of the act of the last General Assembly, approved March 2d, 1844, entitled, "*an act to amend an act, entitled, an act for the benefit of the Contractors of the public works, approved March 11, 1843,*" requires the Board of Internal Improvement, when settling with and paying off these Contractors the State's portion of the amount due them, to take from each a written release, discharging the State's stock and dividends from all liability for the remainder of their claims. It was known that these claims amounted to something like *one hundred and sixty thousand dollars*, (\$160,000,) and were due to a thousand or more persons, whose claims, in many instances, did not amount to ten dollars. The appropriation referred to in the resolution, would not pay more than half of the sum due to each, and the releases required to be taken, could not be obtained unless the full amount due each was paid. It seemed impossible to make the appropriation of *eighty thousand dollars*, (\$80,000,) available unless by bringing the whole of the claimants before the Board, and endeavor to make them a *pro rata* distribution of the money; this, if not impracticable, was nearly so. This difficulty suggested itself to the Board when preparing circulars to the road companies, and was mentioned to your predecessor, Governor Letcher, who replied that it was important to pay off the Contractors with as little delay as possible, (many of whom were in great distress and pressing their claims,) and that he flattered himself with the hope and belief, from the estimates he had made, independent of the appropriation alluded to, that the Sinking Fund would be able to meet the demand, to the full amount of the appropriation, in the act herein alluded to, and that his design was to call the Sinking Fund Commissioners together very soon, and consult on that point. He subsequently informed the Board, that he was ready to meet their requisitions to the full amount of the sum of one hundred and sixty thousand dollars, (\$160,000.) The Board then prepared a circular to the public creditors, informing them of their readiness to settle with and pay them. All who came forward, amounting to many hundreds, with proper evidences of their claims, were fully paid, to the last farthing.

Very respectfully,

Your ob'dt serv't.

AUSTIN P. COX,

Sec'y Board Int. Improvement.

Ordered, That the Public Printer print 150 copies thereof for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State, which was read as follows, to-wit:

To the Senate of Kentucky:

GENTLEMEN:—I herewith transmit a copy of an act of the Legislature of Tennessee, entitled, "*an act to adjust the boundary line between this State and the State of Kentucky,*" which passed January 20th, 1844. I also transmit a copy of the letter addressed to me by the Governor of Tennessee, requesting the attention of the Legislature of Kentucky to be called to the subject.

WM. OWSLEY.

EXECUTIVE DEPARTMENT,)
Nashville, January, 6, 1845. }

To his Excellency, the Governor of Kentucky:

SIR: The General Assembly of this State, at its last session, passed an act directing the Governor of this State to appoint two Commissioners, to act in conjunction with such Commissioners as might be appointed by the authorities of your State, to run and mark a portion of the line dividing this from your State. You will find the act of the Legislature of Tennessee in a copy of the acts which I caused to be forwarded to the Secretary of State, for your State, chapter 128, page 160. You will please call the attention of the Legislature of Kentucky to this subject, and advise me of the action on it.

With the highest respect, I am, your servant,

JAMES C. JONES.

Ordered, That said message be referred to the committee on Federal Relations.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled preamble and resolutions and enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

Preamble and resolutions in relation to the rates of postage.

An act requiring a list of the members of the Fire Engine and Hose Company of the City of Covington to be reported to the Clerk of the Kenton Circuit Court.

An act to reduce the price of vacant lands in Lawrence and Carter counties.

An act to change the place of voting in an election precinct in Whitley county.

An act to incorporate the town of Blandville.

An act for the relief of Ishmael C. Sutton, Constable of Ohio county.

An act for the benefit of the Methodist Episcopal Church in Elkton.

An act for the benefit of Isaac Johnson, and others.

An act to permit Julia Ann Keedy to import certain slaves into this Commonwealth.

An act for the benefit of Susan M. Wilson.

An act for the benefit of John Vickers.

An act to change a precinct in Harlan county.

An act to establish an election precinct in the county of Pike.

An act to establish an additional election precinct in Hopkins county.

An act authorizing Maria Jane Pottinger to confirm the sale of a slave made by her guardian, George W. Pottinger.

An act for the benefit of Amelia M. Hamilton, and for other purposes.

An act for the benefit of John C. Wagoner, and the heirs of George Munday.

An act for the benefit of William Butler, of Monroe county.
 An act to allow an additional Constable to Pulaski county.
 An act to change the name of Henry Harrison Fraley, and for other purposes.

And enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of the Sheriff of Grant county.
 An act to authorize the Trustees of Taylorsville to close part of Water street, and for other purposes.
 An act for the benefit of the Floyd Circuit Court Clerk.
 An act providing for a change of venue in the prosecution against Samuel C. Snyder.
 An act to provide certain Justices of the Peace of Johnson county with Morehead and Brown's Digest.
 An act to change the place of voting in the Donalson precinct, in Caldwell county.

An act to change the name of the town of Breathitt.

And had found the same truly enrolled.

The Speaker of the House of Representatives having signed the said resolutions and bills, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the act incorporating the Maysville Manufacturing Company, and for other purposes, approved March 2d, 1844, reported the same with an amendment.

The said amendment proposes to strike out the second section of said bill, which is as follows, viz:

SEC. 2. *Be it further enacted*, That the 19th section of said recited act be, and the same is hereby repealed.

The question being taken on concurring in the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Winfrey and Hardin, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A.
 Bradford,
 Carpenter,
 Crenshaw,
 Hardin,
 Marshall,

McAfee,
 Newell,
 Patterson,
 Peyton,
 South,

Swope,
 Taylor,
 Wallace,
 Walker,
 Winfrey—16..

Those who voted in the negative, were—

Messrs. Ballard,	Dyer,	Helm,
Bennett,	Field,	Holloway,
Boyd, W. P.	Fox,	Huston,
Chenault,	Gilless,	Key,
Conner,	Gray,	Rodes,
Drake,	Harris,	Woodson—18.

The said bill was amended.

Mr. Harris moved further to amend the said bill by adding thereto the following, viz:

Be it further enacted, That the stockholders shall be jointly and severally bound, in their individual capacities, for all purchases made by them, or by their agent, agents or attorney or attorneys, of all coal banks, coal lands, and for all contracts made for labor employed in the exportation of coal.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harris and Newell, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Marshall,	South,
Gilless,	McAfee,	Swope,
Harris,	Newell,	Wallace—10.
James,		

Those who voted in the negative, were—

Messrs. Bennett,	Dyer,	Key,
Boyd, W. P.	Field,	Patterson,
Bradford,	Fox,	Peyton,
Carpenter,	Gray,	Rodes,
Chenault,	Hardin,	Taylor,
Conner,	Helm,	Walker,
Crenshaw,	Holloway,	Winfrey,
Drake,	Huston,	Woodson—24.

Mr. Harris moved further to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That in all suits brought against the corporation, a service of process on the President of the corporation, or any one of the Directors, shall be a sufficient legal service to authorize a judgment against the company; and that any person, having a cause of action against said company, may sue out process in the county where said purchase aforesaid, was made, or where the corporators have operated in their business; which may be sent to any county in this State, and served on the President, Directors, or any one of them; which service of process shall be as valid, to all intents and purposes, as if they or any one of them, resided in the county where the process may issue.

Mr. Field moved to amend the said amendment, by striking out all after the enacting clause, and inserting in lieu thereof the following, viz:

That the Floyd Circuit Court and the Justices of the Peace of that county, shall have jurisdiction of claims against the Company, and the mesne and final process may be sent to any county in the State.

The question being taken on the adoption of the said amendment, moved by Mr. Field, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Field, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Fox,	Peyton,
Boyd, W. P.	Gilless,	Rodes,
Bradford,	Gray,	South,
Carpenter,	Hardin,	Swope,
Chenault,	Helm,	Taylor,
Conner,	Holloway,	Wallace,
Crenshaw,	Huston,	Walker,
Drake,	Key,	Winfrey,
Dyer,	Patterson,	Woodson—28.
Field,		

Those who voted in the negative, were—

Messrs. Ballard,	James,	McAfee,
Boyd, A.	Marshall,	Newell—7.
Harris,		

The said amendment, as amended, was then adopted.

The question was then taken on reading the said bill a third time as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and A. Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Drake,	Holloway,
Bennett,	Dyer,	Huston,
Boyd, W. P.	Field,	Key,
Bradford,	Fox,	Patterson,
Carpenter,	Gilless,	Rodes,
Chenault,	Gray,	Taylor,
Conner,	Hardin,	Winfrey,
Crenshaw,	Helm,	Woodson—24.

Those who voted in the negative, were—

Messrs. Boyd, A.	McAfee,	Swope,
Harris,	Newell,	Wallace,
James,	Peyton,	Walker—11.
Marshall,	South,	

The Speaker laid before the Senate the Annual Report of the Commissioners of the Lunatic Asylum.

[*For the Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Finance, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

And then the Senate adjourned.

WEDNESDAY, JANUARY 15, 1845.

Mr. Hiram McElroy, a member of the Senate from the 2d Senatorial District, appeared and took his seat.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act providing for a change of venue in the prosecution against Joseph N. Allen, with amendments.

That they had passed bills of the following titles, to-wit:

1. An act to revive the act concerning the town of New Liberty, approved 27th February, 1844.

2. An act for the benefit of Linchfield Sharp.

3. An act to allow an additional Constable in Ballard county, and for other purposes.

4. An act to amend the charter of the City of Lexington.

5. An act to allow an additional Justice of the Peace to the county of Trimble.

6. An act for the benefit of Thomas Cross.

7. An act for the benefit of William Berry and wife, of Adair county.

8. An act to reduce the number of Justices of the Peace in the county of Boone.

9. An act for the benefit of Stephen M. Farrish, Jailer of Morgan county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 3d, 5th, 6th, 7th and 8th to the committee on Propositions and Grievances; the 2d to the committee on Finance; and the 9th to the committee on the Judiciary.

The Speaker laid before the Senate the following report from the Agent of the Old Bank of Kentucky, to-wit:

OLD BANK OF KENTUCKY }
January 13, 1845. }

HON. ARCHIBALD DIXON,

Speaker of the Senate:

As the Agent of the Old Bank of Kentucky, I herewith submit the following statement for the information of the Legislature.

Debts due to the Institution, \$281,352 52.

Not more than from 4 to \$6000 of this sum will probably be collected, the remainder may be considered insolvent.

The nominal amount of real estate is \$185,912 51, a very small amount of this sum may be realised, probably less than \$1000. The loss has been sustained in the purchase and sale of the real estate taken in payment of debts.

Notes of the Bank in circulation, \$30,427. It is not probable that more than \$20 to \$50 will return for redemption; \$39 50 only have been presented and redeemed within the last two years, and \$532 25 since the first day of March, 1836.

I have paid into the Treasury the last year, the sum of \$2000, and since my appointment as Agent, in 1836, the sum of \$30,818 50. I am also paying a dividend to the Stockholders of one half per cent. on each share.

The State has received from me about \$10,600 more on her stock than its estimated value at the time of my appointment, as previously made by the former President and Cashier.

The expenses of the Institution has been less than \$150 per annum. for the last two years, except my commissions of five per cent. for collecting, and which is the only compensation received.

Respectfully,

H. BLANTON, *Agent.*

Ordered, That said report be referred to the committee on Banks.

1. Mr. A. Boyd presented the petition of Sarah Ann Goodwin, praying for the passage of a law changing her name.

2. Mr. Rodes presented the petition of Richard J. Spurr, and others, Common School Commissioners of Fayette county, praying for the passage of a law making an appropriation out of the Common School Fund to a school in Fayette county.

3. Mr. Harris presented the petition of Thomas B. Keeton, of Morgan county, praying for the passage of a law permitting him to import a slave into this State.

4. Also, the petition of Frederick Adkins, praying for the passage of a law allowing him to bring a slave into this State.

5. Also, the petition of Archibald Prater, praying for the passage of a law allowing him to import a slave into this State.

6. Mr. Palmer presented the petition of John R. Wharton and George Clements, praying for the passage of a law authorizing the County Court

of Washington county, to divide certain land amongst the heirs of William Clements, deceased.

7. Mr. James presented the petition of Henry Perkins, praying for a divorce from his wife, Bythynia Perkins.

8. Mr. Harris presented the petition of Wm. Rose, praying for a divorce from his wife, Nancy Rose.

9. Mr. Holloway presented the petition of F. Posey, praying for the passage of a law allowing him to bring into Henderson county certain slaves from the State of Arkansas.

10. Mr. Gray presented the petition of Fleming N. Chiles, praying for the passage of a law allowing him to import two slaves into this State.

11. Also, the petition of Nathan Butler, praying for the passage of a law allowing him to import two slaves into this State.

12. Also, the petition of Burnly D. Smith, praying for the passage of a law allowing him to import five slaves into this State.

13. Also, the petition of Garland Chiles, praying for the passage of a law allowing him to import a slave into this State.

14. Also, the petition of J. A. McReynolds, praying for the passage of a law allowing him to import a slave into this State.

Which were received and referred: the 1st and 9th to the committee on Propositions and Grievances; the 2d to the committee on Education; the 3d to a committee of Messrs. Harris, Walker and Holloway; the 4th and 5th to a committee of Messrs. Harris, A. Boyd and Newell; the 6th, 10th, 11th, 12th, 13th and 14th to the committee on the Judiciary; and the 7th and 8th to the committee on Religion.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, to-wit:

An act providing for a change of venue in the prosecution against Samuel C. Snyder.

An act to authorize the Trustees of Taylorsville to close part of Water street, and for other purposes.

An act for the benefit of the Sheriff of Grant county.

An act to provide certain Justices of the Peace of Johnson county with Morehead and Brown's Digest.

An act for the benefit of the Floyd Circuit Court Clerk.

An act to change the name of the town of Breathitt.

An act to change the place of voting in the Donolson precinct, in Caldwell county.

Approved January 14, 1845.

The following bills were reported from the committee on the Judiciary, to-wit:

By Mr. Patterson—1. A bill for the benefit of the widow and heirs of Abraham Wells, deceased, of Whitley county.

By Mr. Hardin—2. A bill to prescribe the mode of procuring copies of releases executed by the Contractors on Public works, in the State of Kentucky.

By Mr. Crenshaw—3. A bill to change the time of holding the Edmonson and Allen Circuit Courts, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 3d was referred to the committee on the Judiciary; and the 1st and 2d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st, and 2d bills being dispensed with, and the same being engrossed.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend the statute of limitations on merchants' accounts, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the 1st section of an act limiting the number of Justices of the Peace in Wayne county, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That said bill be re-committed to the committee on Propositions and Grievances.

Mr. Walker, from the same committee, reported the following bills, to-wit:

1. A bill for the benefit of William A. Robards, and others.
2. A bill providing for the location of the County Seat of Owsley county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with: the 1st was referred to the committee on Finance; and the 2d to the committee on the Judiciary.

Mr. Huston, from the committee on Privileges and Elections, to whom was referred a bill from the House of Representatives, entitled, an act to

establish an additional election precinct in Harlan county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the committee on Religion, reported a bill to change the name of Sophia Jeffries to that of Sophia Hancock, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was referred to the committee on the Judiciary.

Mr. Rodes, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

1. An act for the benefit of Sally B. Booker.
2. An act for the benefit of Ann M. Prewitt.

Reported the same without amendment.

The first bill was re-committed to the committee on Religion; and the 2d was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives of the following titles, were severally read the first time, to-wit:

1. An act to allow two additional Justices of the Peace to the county of Casey, and for other purposes.
2. An act for the benefit of James Angel.
3. An act for the benefit of the widows of Larue county.
4. An act to regulate certain duties of Clerks.
5. An act for the benefit of David R. Gist, of Clarke county.
6. An act for the benefit of William H. Richardson.
7. An act to legalize the proceedings of the 45th Regiment of Kentucky Militia.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st, 2d, 3d and 6th to the committee on Propositions and Grievances; the 4th and 5th to the committee on the Judiciary; and the 7th to the committee on Military Affairs.

An engrossed bill, entitled, an act to give to the holders of Kentucky land warrants further time to have surveys made under the same, and to return plats and certificates of surveys to the Register's office, was read the third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were severally read a third time, to-wit:

An act to amend an act, entitled, an act to regulate the management of the Wilderness road, and for other purposes, approved March 2, 1844.

An act regulating the precincts of Jefferson county, and for other purposes.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act for the benefit of Nancy and Robert W. Lowry, Jr., was read the third time, and re-committed to the committee on Propositions and Grievances.

The consideration of the report of the committee on Privileges and Elections, in relation to the election of a Senator in the 27th Senatorial District, was postponed and made the special order of the day for Tuesday next, the 21st instant.

An engrossed bill, entitled, an act to reduce into one the several acts exempting property from execution, and for other purposes, was read the third time, and was amended by way of engrossed ryder.

Mr. Bennett moved further to amend the said bill, by adding thereto, the following engrossed clause by way of ryder:

Be it further enacted, That persons residing in cities or towns in this Commonwealth, may have, in lieu of the articles exempted from execution in the foregoing act, one bureau, one horse cart or dray, one horse, thirty yards of carpeting, two tables, table and kitchen furniture, not exceeding in value twenty dollars; one cow and calf, with such other articles pertaining to housekeeping, as such housekeepers resident of any town or city within this Commonwealth, not to exceed in value two hundred and fifty dollars.

Mr. Winfrey moved the previous question.

The question being taken, shall the main question be now put? it was decided in the affirmative.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Newell and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, A.
Boyd, W. P.
Bradford,
Carpenter,
Chenault,
Crenshaw,

Gilless
Gray,
Hardin,
Harris,
Helm,
Holloway,
James,

Palmer,
Patterson,
Peyton,
Rodes,
Slaughter,
South,
Swope,

Drake,
Dyer,
Field,

Key,
Marshall,
McElroy,

Taylor,
Winfrey,
Woodson—30.

Those who voted in the negative, were—

Messrs. Bennett,
Conner,

McAfee,
Newell,

Wallace,
Walker—6.

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend the act incorporating the Maysville Manufacturing Company, and for other purposes, approved March 2, 1844, was read the third time as amended.

Mr. Harris moved to amend the said bill by adding thereto the following engrossed section by way of ryder, viz:

Be it further enacted, That upon the return of "no property found" on two executions, emanating from the same judgment, against the President and Directors of said company, then, in that event, the charter granted by the act to which this is an amendment, shall be forfeited: *Provided*, That the officer shall, in both instances, present the said execution for payment to the President of said company, and for that purpose it shall be lawful for the executions against the company to issue to the county in this State where the President may reside.

The question being taken on the adoption of the said amendment, it was decided in the negative, two thirds of the members not having voted therefor.

The yeas and nays being required thereon by Messrs. Harris and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, A.
Carpenter,
Chenault,
Conner,
Gilles,
Harris,

Helm,
James,
Marshall,
McAfee,
McElroy,
Newell,
Palmer,

Peyton,
South,
Swope,
Wallace,
Walker,
Winfrey—20.

Those who voted in the negative, were—

Messrs. Bennett,
Boyd, W. P.
Bradford,
Crenshaw,
Drake,
Dyer,

Field,
Fox,
Gray,
Hardin,
Holloway,
Huston,

Key,
Patterson,
Rodes,
Slaughter,
Taylor,
Woodson—18.

The question was then taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Hardin, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Field,	Key,
Boyd, W. P.	Fox,	Patterson,
Bradford,	Gilless,	Rodes,
Carpenter,	Gray,	Slaughter,
Conner,	Helm,	Taylor,
Drake,	Huston,	Woodson—19.
Dyer,		

Those who voted in the negative, were—

Messrs. Ballard,	James,	Peyton,
Boyd, A.	Marshall,	South,
Chenault,	McAfee,	Swope,
Crenshaw,	McElroy,	Wallace,
Hardin,	Newell,	Walker,
Harris,	Palmer,	Winfrey—18.

Resolved, That the title of the said bill be as aforesaid.

Mr. Harris presented the remonstrance of sundry citizens of Morgan county, against the formation of a new county out of part of said county, which was received and referred to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. South—1. A bill for the benefit of the executors and guardians of the estate of Daniel Bates, deceased.

On the motion of Mr. Ballard—2. A bill for the benefit of John Bartlett, and heirs of Henry Comsty.

On the motion of Mr. A. Boyd—3. A bill to establish the 20th Judicial District.

On the motion of Mr. Helm—4. A bill for the benefit of Daniel Bringle.

Also—5. A bill to apply the proceeds of lands that may be sold for arrearages and taxes due thereon, in aid of the Sinking Fund, and to prescribe a mode by which land stricken off to the State may be appropriated, and the proceeds applied to the same use.

On the motion of Mr. Ballard—6. A bill for the benefit of Charles Williams, of the county of Henry.

On the motion of Mr. Conner—7. A bill to allow an additional Justice of the Peace to Carter county.

On the motion of Mr. Patterson—8. A bill to change the time of the annual meeting of the General Assembly.

On the motion of Mr. McAfee—9. A bill to provide for the completion of the road from McAfee's landing, on the Kentucky river, to intersect the Frankfort and Crab Orchard Turnpike.

On the motion of Mr. Slaughter—10. A bill for the benefit of the executors and heirs of William Johnston, deceased.

On the motion of Mr. W. P. Boyd—11. A bill to repeal an act defining the privileges of the President and Directors of Turnpike roads, approved January 1, 1845.

On the motion of Mr. Field—12. A bill for the benefit of the Institution for the Education of the Blind.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d, 3d and 10th; the committee on Finance the 4th, 6th and 12th; the committee on the Sinking Fund the 5th; the committee on Propositions and Grievances the 7th; the committee on Internal improvement the 9th and 11th; and Messrs. Patterson, Peyton and Newell were appointed a committee to prepare and bring in the 8th.

On the motion of Mr. Helm,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety of providing by law a mode by which the State can purchase or acquire lands directed to be sold for arrearages of taxes and charges due thereon.

Mr. Slaughter presented the petition of Elizabeth Johnson, widow of William Johnson, deceased, praying for the passage of a law legalizing the division of the slaves belonging to the said decedent, amongst his heirs, by the Nelson County Court, which was received and referred to the committee on the Judiciary.

The Speaker laid before the Senate the Annual Report of the President and Directors of the Louisville and Portland Canal Company.

[*For the Report—see Legislative Documents.*]

The Speaker laid before the Senate the following communication from the President of the Board of Internal Improvement, to-wit:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January 14, 1845. }

HON. ARCHIBALD DIXON,

Lieutenant Governor and Speaker of the Senate:

SIR: I have the honor herewith to present to you, for the consideration of the Senate, the settlement of accounts made by this Board with the Green and Barren River Commissioners, and to be, most respectfully yours, &c.

THOMAS METCALFE, P. B. I. I.

Ordered, That said communication be referred to the committee on Internal Improvement.

And then the Senate adjourned.

THURSDAY, JANUARY 16, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House of the following titles, to-wit:

An act authorizing Maria Jane Pottinger to confirm the sale of a slave made by her guardian, George W. Pottinger.

An act for the benefit of Isaac Johnson, and others.

An act to incorporate the town of Blandville.

An act to change the place of voting in an election precinct in Whitley county.

An act for the benefit of Susan M. Wilson.

An act to change the name of Henry Harrison Fraley, and for other purposes.

An act to permit Julia Ann Keedy to import certain slaves into this Commonwealth.

An act requiring a list of the members of the Fire Engine and Hose Company of the City of Covington to be reported to the Clerk of the Kenton Circuit Court.

An act to reduce the price of vacant lands in Lawrence and Carter counties.

An act for the benefit of Amelia M. Hamilton, and for other purposes.

An act for the relief of Ishmael C. Sutton, Constable of Ohio county.

An act for the benefit of William Butler, of Monroe county.

An act to allow an additional Constable to Pulaski county.

An act to establish an additional election precinct in Hopkins county.

An act for the benefit of John C. Wagoner, and the heirs of George Munday.

An act to change a precinct in Harlan county.

An act to establish an election precinct in the county of Pike.

An act for the benefit of John Vickers.

An act for the benefit of the Methodist Episcopal Church in Elkton.

Approved January 14, 1845.

Joint resolutions approved by the Governor:

Preamble and resolutions in relation to the rates of postage.

Approved January 14, 1845.

An act to establish the county of Fulton.

Approved January 15, 1845.

That they had passed bills of the following titles, to-wit:

1. An act to amend the laws upon the subject of Pedlers.
2. An act for the benefit of John Lafon and others.
3. An act for the benefit of Joseph Howard.
4. An act to facilitate the collection of water rents upon Green and Barren rivers.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Finance; the 2d to the committee on the Judiciary; and the 3d and 4th to the committee on Internal Improvement.

1. Mr. W. P. Boyd presented the remonstrance of sundry citizens of Fleming county, against the formation of a new county out of parts of Fleming, Carter and Morgan counties.

2. Mr. Slaughter presented the petition of Peter Able, and others, praying for the passage of a law to change the location of a fish trap on the Beech Fork.

Which were received and referred: the 1st to the committee on Propositions and Grievances; and the 2d to the committee on Internal Improvement.

The Speaker laid before the Senate the Report of the Trustees of the Cumberland Hospital, which is as follows, to-wit:

FRANKFORT, JANUARY 16, 1845.

HON. ARCHIBALD DIXON,

SIR: I transmit to you, with a request that you lay the same before the Senate, the report of the Trustees of the Cumberland Hospital for the past year.

Respectfully,

R. A. PATTERSON.

Report of the Trustees of the Cumberland Hospital to the Legislature of Kentucky, January 1st, 1845.

CUMBERLAND HOSPITAL	Cr.
By balance due at date of last report, - -	\$ 18 23
By lumber sold, overlooked last year, - -	3 00
By cash from United States Treasury, - -	1,008 50
By premium on Treasury notes, - -	3 50
By Legislative appropriation for 1844, - -	1,500 00
By one trunk sold, - -	1 25
By cash left by deceased persons, - -	15 00
	<hr/> \$2,549 28 <hr/>

CUMBERLAND HOSPITAL	Dr.
To Thomas McCormick, Superintendent, for boarding and attendance of patients 548 6-7 weeks at \$3 50,	\$1,921 00
To same for 12 burials at \$6,	72 00
To same for washing 319 and eleven twelfths dozen at 50 cents,	159 95
To same for lime and whitewashing Hospital rooms twice and lot fence once,	15 00
To Rupert & Lindenberger for bill medicine in March,	165 62
To same for bill medicine and freights in November,	37 87
To D. B. Sanders, M. D., for one years' attendance as Physician,	300 00
To Wm. Gordon, his bill for blankets, sheets, clothing, soap, wine, brandy, quinine, &c., &c.,	87 21
	<hr/> \$2,758 65
Due to Cumberland Hospital,	<hr/> \$ 209 17

From the above statement of the accounts of the Hospital, it will be perceived that the Institution is in debt to its Keeper in the sum of *two hundred and nine dollars and seventeen cents*. The annual appropriation of *fifteen hundred dollars*, together with the sum expected from the United States Treasury, will, we presume, be sufficient to pay off the present debt and meet the demands upon the Institution for the current year.

There have been admitted into the Hospital, during the year ending 31st December last, one hundred and thirty eight patients, of whom twelve have died, five remaining, the balance discharged cured.

Permit us in conclusion to say, that every effort has been made on the part of the undersigned to render the Hospital what the Legislature intended it to be—a clean and comfortable place for the reception of the sick and afflicted mariners and boatmen, who are far from home, family or friends, and where they have the best attention, both as to their personal comfort and medical treatment. All of which is respectfully submitted.

WM. GORDON,
WM. SMEDLY,
JOHN E. WILSON,
RICHARD OLIVE,
JAS. L. DALLAM.

Trustees of the Cumberland Hospital.

Ordered, That said report be referred to the committee on Finance.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road law in Greenup county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, reported a bill authorizing the Coun-

ty Court of Christian county to change the location of a part of the Hopkinsville and Morgantown State road, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of the Sheriffs of Graves and Perry counties.

An act to authorize the young men of Russellville to have a Thespian Society without licence.

An act for the benefit of David Janes and his wife.

An act for the benefit of Isaac Bolt.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act requiring certain duties of the Commissioners of Tax and County Court Clerks before the County Court shall receive the Commissioners' books.

An act for the benefit of Hiram Begley.

Reported the same with amendments to each, which were concurred in.

Ordered, That said bills be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Daniel Bailey, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended by adding thereto "and for other purposes."

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John Reynolds, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. James, from the same committee, reported a bill authorizing a settlement with John Tilford, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was made the order of the day for Saturday the 18th instant.

On the motion of Mr. James, the committee on Finance was discharged from the duty of preparing and bringing in a bill to reduce the salaries of the Officers of this Commonwealth, and Messrs. Winfrey, Carpenter and Gilless were appointed a committee to prepare and bring in said bill.

Mr. McAfee, from the committee on Education, reported the following bills, to-wit:

1. A bill for the benefit of certain School Districts in the counties of Fayette and Clarke.

2. A bill to amend the several acts concerning the Newport Seminary or Academy.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 1st was re-committed to the committee on Education; and the 2d was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the second bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill for the benefit of the executors and guardians of the estate of Daniel Bates, deceased.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of David R. Gist, of Clarke county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act for the benefit of Stephen M. Farrish, Jailer of Morgan county.

An act amendatory of the several acts concerning the town of Newport, Kentucky.

An act for the benefit of James Venable, of Shelby county.

An act for the benefit of the heirs and administrator of John Q. Thompson, deceased.

An act for the benefit of the widow and heirs at law of John McElya, deceased.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Gray, from the same committee, reported a bill for the benefit of J. A. McReynolds, Garland Chiles, Nathan Butler and Fleming N. Chiles, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. Patterson moved to re-commit the said bill to the committee on the Judiciary, and the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Gray and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Holloway,	Rodes,	Woodson—5.
Patterson,	Taylor,	

Those who voted in the negative, were—

Messrs. Ballard,	Drake,	McElroy,
Bennett,	Dyer,	Newell,
Boyd, A.	Gilless	Slaughter,
Boyd, W. P.	Gray,	South,
Bradford,	Hardin,	Swope,
Carpenter,	Harris,	Wallace,
Chenault,	Helm,	Walker,
Conner,	James,	Winfrey—26.
Crenshaw,	McAfee,	

The said bill was then amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed.

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Taylor and Harris, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gilless,	McElroy,
Bennett,	Gray,	South,
Boyd, A.	Harris,	Wallace,
Carpenter,	Helm,	Walker,
Conner,	James,	Winfrey,
Drake,	Marshall,	Woodson—20.
Dyer,	McAfee,	

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Hardin,	Rodes,
Bradford,	Holloway,	Slaughter,
Chenault,	Newell,	Swope,
Crenshaw,	Patterson,	Taylor—12.

Resolved, That the title of the said bill be amended by adding thereto "and others."

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives of the following titles, to-wit:

An act to allow an additional Constable to Ballard county, and for other purposes.

An act to allow two additional Justices of the Peace to the county of Casey, and for other purposes.

An act to reduce the number of Justices of the Peace in the county of Boone.

An act to allow an additional Justice of the Peace to the county of Trimble.

An act for the benefit of William Berry and wife, of Adair county.

Reported the same without amendment.

The first bill was amended.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, the first as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, reported the following bills, to-wit:

A bill to allow an additional Justice of the Peace to Carter county.

A bill to change the name of Sarah Ann Goodwin to Sarah Ann Blakely.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Helm, from a select committee, reported a bill providing a remedy against wilful trespassers on real estate, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. Gray, from a select committee appointed under the resolution offered by Mr. Peyton on the 7th instant, made the following report, to-wit:

The select committee to whom was referred a resolution of the Senate, directing an enquiry, "whether the duties now performed by the Board of Commissioners of the Sinking Fund, cannot, with safety to the interest of the State, be transferred to the Governor, Second Auditor, and Treasurer, and by so doing, a saving to the State would not be effected—and how much? Whether any necessity longer exist for the continuance of the Board of Internal Improvement? whether the proper business of said Board could not be performed by an agent of the State, at much less cost than is now required to continue said Board? and what amount may be saved to the State by such change? Whether a necessity longer exist for the continuance of the office of First Auditor? whether the duties of the office are performed by said Auditor in person or by agent; if by agent, under what law such agency was authorized? Whether the duties of said office cannot be performed by the Second Auditor or Treasurer, without injury to the public interest?"

The committee have had the same under consideration, and after an investigation of the subject, respectfully submit to the consideration of the Senate the following result:

The cost to the State of maintaining the Board of Internal Improvement, including all expenses, amounts annually to the sum of three thousand and seventy one dollars. The committee are of the opinion that, at this time, the whole duties of said Board can be performed, with advantage to the State, by an efficient agent, to be nominated by the Governor and appointed with the advice and consent of the Senate, at a salary not exceeding one thousand dollars, which would result in an annual saving of two thousand and seventy one dollars. The committee are not unaware of the arduous and important duties which have been rendered by the Board in times past, and of the great saving to the State, resulting from the faithful and firm discharge of those duties, but they are well satisfied that in our present condition in relation to the objects of the Board, and the duties which they are now required to perform, and that are necessary for that branch of the public service, that the strict and prompt attention of an efficient agent is all that the public interest requires.

The annual charge upon the State, to maintain the present Board of Commissioners of the Sinking Fund, ascertained by a statement furnished by the Secretary of that Board, amounts to the sum of eleven hundred dollars per annum. The whole amount of which can be saved to the State, by transferring the duties of said Board to the Governor, Second Auditor and Treasurer. The Governor is now by law, the President of the Board as it at present exists; the change suggested places the Second Auditor and Treasurer in the room of the Presidents of the Banks of Kentucky. There seems to be a fitness in the change contemplated, independent of the large amount of saving to the State. These officers of the government (except the Governor) are under high obligations to the State, both in reference to the offices they hold, and the bonds they are required to give for the faithful discharge of the duties they are required to perform. These officers are removed from all influence in relation to the fair rates of exchange necessary to be purchased, to discharge the interest on our public debt abroad. By

this change, the money and means of the Board would be in the hands of public officers, held to strict accountability by the laws creating their offices and defining their duties, and being placed in the public Treasury, there would be checks and strict accountability in its receipt and disbursement.

The annual cost to the State of maintaining the office of First Auditor, amounts to the sum of fifteen hundred and thirty four dollars and sixty nine cents. The committee called upon, and required the Second Auditor to state, whether the business of the First Auditor could not be done in his office without injury to the State, and what additional charge would be created in his office, by a transfer of said business? That statement has been furnished, and from it we gather the following result:

The change would produce no injury to the public service whatever.—The checks which are furnished by that officer are few and wholly unimportant. They are all contained in the acts of 1837-'8, page 336. The office is, in the opinion of the committee, wholly useless to the State, and they regard the amount, necessary to its continuance, which is annually expended, as an entire loss. The transfer of the duties of this office to the Second Auditor would necessarily increase his duties, which, he says, and the committee believe might be, performed by a clerk, whose salary should not exceed the sum of six hundred dollars, producing an annual saving to the State of nine hundred and thirty four dollars and sixty nine cents.

In view of all the facts presented in this report, the committee think it is a duty they owe to the country, and the Senate, strongly to impress the importance of this subject upon the Senate. The State is largely involved in debt, and without stopping to enquire, when, where, or how it was created, her faith and honor are involved in its prompt and full payment. It is true, we may meet the emergency by additional burdens on the people, which their patriotism and love of justice and strict honor would induce them to bear without a murmur, but it is no less a duty, which we owe to them, by all reasonable means, and the strict observance of economy, to save them from the necessity of further impositions. It is in this view of the subject, and wholly without reference to the manner of discharging the duties of the various offices proposed to be abolished, that the committee claim for this subject the prompt action of the Senate. The committee, with feelings of high personal regard for the incumbent of the office of First Auditor, state, in reference to the further enquiries they were required to make by the resolution of the Senate, they find that the First Auditor has been wholly unable, for many years, to give his personal attention to his office, and that its business has been conducted by his son, with such aid as he might acquire. The First Auditor is now confined, and the great probability is, that he never will again be able to attend to the business of his office.

If the Senate shall differ with the committee in regard to the utter inutility and want of necessity of the office of First Auditor, they would suggest—that inasmuch as the present incumbent is wholly incompetent to the discharge of the duties of the office, and has been for years compelled to appoint an agent or clerk for that purpose, that the salary is greatly disproportioned to the amount and importance of the business done in that office, and they would, in this view, recommend a reduction of the salary of that officer to five hundred dollars per annum, a sum at which the State can have all the duties of the office performed, under the superintendence, control, and responsibility of the Second Auditor.

The committee accompany this report, with a bill, making the changes proposed, which will produce an annual aggregate saving to the State of four thousand one hundred and five dollars sixty nine cents, (\$4,105 69.)

Ordered, That said Report be referred to the committee on the Sinking Fund, and that the Public Printer print 150 copies thereof for the use of the General Assembly.

Mr. Gray, from the same committee, reported a bill to abolish the Board of Internal Improvement, the office of 1st Auditor, and for other purposes.

Which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on the Sinking Fund, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

1. Mr. Hardin presented the petition of Daniel P. White, guardian of John Y. Taylor, and Alice G. Taylor, infant children of John Y. Taylor, deceased, praying for the passage of a law authorizing the Circuit Court of Cumberland county to decree a sale and conveyance of certain land belonging to his wards.

2. Mr. Drake presented the petition of sundry citizens of Franklin county, praying for the establishment of an election precinct at Bridgeport, in said county.

Which were received and referred: the 1st to the committee on the Judiciary; and the 2d to the committee on Privileges and Elections.

And then the Senate adjourned.

FRIDAY, JANUARY 17, 1845.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act so to amend the laws in relation to chancery proceedings as to facilitate the preparation and trial of chancery causes.

2. An act to extinguish the rent and title of the City of Lexington to the Railroad Depot and Warehouse.

3. An act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28, 1830.

4. An act to allow an additional Justice of the Peace to Marshall county, and for other purposes.

5. An act to allow an additional term to the Lincoln County Court, and an additional Justice of the Peace to Lincoln county.

6. An act for the benefit of Stephen Atherton.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 3d, 5th and 6th to the committee on the Judiciary; the 2d to the committee on Internal Improvement; and the 4th to the committee on Propositions and Grievances.

Ordered, That the Public Printer print 150 copies of the first bill for the use of the General Assembly.

Mr. Holloway presented the petition of Henry J. Eastin, praying for the passage of a law to remunerate him for money expended by him, as Engineer, on the Road leading from Greensburgh to the Tennessee line, which was received and referred to the committee on Propositions and Grievances.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill to change the name of Sophia Jeffries to that of Sophia Hancock, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Patterson, from the same committee, reported a bill for the benefit of the devisees and distributees of Sarah C. McLaughlin, deceased, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to revive the act concerning the town of New Liberty, approved 27th February, 1844.

An act for the benefit of Thomas Cross.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from

the House of Representatives, entitled, an act for the benefit of James Angel, reported the same with an amendment, which was concurred in.

Mr. Gray moved further to amend the said bill by adding thereto the following additional section, to-wit:

That Burnley D. Smith, of Todd county, be permitted to import into this State, from the State of Tennessee, his slaves, Patsey and her two children, Jenny and Sarah, without incurring the penalties of the law of 1833, prohibiting the importation of slaves.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Drake and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	McElroy,
Bennett,	Helm,	Newell,
Boyd, A.	Holloway,	South,
Carpenter,	James,	Taylor,
Conner,	Key,	Wallace,
Dyer,	Marshall,	Walker,
Gilless,	McAfee,	Winfrey—22.
Gray,		

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Drake,	Rodes,
Bradford,	Field,	Slaughter,
Chenault,	Hardin,	Swope,
Crenshaw,	Patterson,	Woodson—12.

Ordered, That said bill be read a third time as amended.

A message, in writing, was received from the Governor, by Mr. Mitchell, Assistant Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, James A. Lee to be Mayor of the City of Maysville, and accompany the nomination, with a communication from the Clerk of the City Council with regard thereto, to which I invite your attention.

WM. OWSLEY.

January 17, 1845.

Ordered, That said message and accompanying communication be referred to the committee on the Judiciary.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill for the benefit of Fayette Posey, of the county of Henderson, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and South, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	McAfee,
Boyd, A.	Harris,	McElroy,
Carpenter,	Helm,	South,
Conner,	Holloway,	Wallace,
Crenshaw,	James,	Walker,
Dyer,	Key,	Winfrey—20.
Gilless,	Marshall,	

Those who voted in the negative, were—

Messrs. Bennett,	Hardin,	Slaughter,
Boyd, W. P.	Newell,	Swope,
Bradford,	Patterson,	Taylor,
Chenault,	Rodes,	Woodson—13.
Field,		

Mr. Winfrey moved to dispense with the rule as to the third reading of said bill, and it was decided in the negative, there not being four fifths in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Helm, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	McAfee,
Bennett,	Harris,	McElroy,
Boyd, A.	Helm,	South,
Carpenter,	Holloway,	Wallace,
Conner,	James,	Walker,
Dyer,	Key,	Winfrey—20.
Gilless,	Marshall,	

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Field,	Slaughter,
Bradford,	Hardin,	Swope,
Chenault,	Newell,	Taylor,
Crenshaw,	Patterson,	Woodson—14.
Drake,	Rodes,	

Mr. Walker, from the same committee, to whom was referred the petition of sundry citizens of the counties of Morgan, Bath and Montgomery, praying for a new county out of parts of said counties, reported the following resolution thereon, to-wit:

Resolved, That the petition be rejected.

Which was twice read and concurred in.

And on the motion of Mr. Harris, leave was given to withdraw said petition and remonstrance accompanying the same.

A message was received from the Governor, by Mr. Mitchell, Assistant Secretary.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, James Collins to be Sheriff of the county of Russell, in place of Solomon Turpin, resigned.

William P. Blackstone to be Police Judge of the town of Harrodsburg, in place of J. H. Grimes, resigned.

WM. OWSLEY.

January 17, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Joseph Howard, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, reported the following bills, to-wit:

1. A bill to authorize the County Court of Kenton county to change, at certain points, the location of the State Road leading from Independence to Covington.

2. A bill for the benefit of the owners of mills and other property injured by slackwater.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the Public Printer was directed to print 150 copies of the second for the use of the General Assembly, and the first was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of George O. Thompson, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Conner presented the remonstrance of sundry citizens of Carter county, against the formation of a new county out of parts of Carter, Morgan, Lewis and Fleming counties, which was received and referred to the committee on Propositions and Grievances.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Winfrey—1. A bill to allow a call term of the County Court of Russell county.

On the motion of Mr. Field—2. A bill to prevent illegal voting in the elections of Mayor and Councilmen of the City of Louisville.

On the motion of Mr. Harris—3. A bill to legalize the proceedings of the Court of Assessment of the 115th Regiment of Kentucky Militia.

Messrs. Winfrey, Helm and Crenshaw were appointed a committee to prepare and bring in the 1st; Messrs. Field, Slaughter and Fox the 2d; the committee on Military Affairs was directed to prepare and bring in the 3d.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act providing for a change of venue in the prosecution against Joseph N. Allen.

And then the Senate adjourned.

SATURDAY, JANUARY 18, 1845.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit of Constant A. Wilson, of Logan county.

That they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, to-wit:

An act to amend the act incorporating the Maysville Manufacturing Company, and for other purposes, approved March 2, 1844.

An act to provide for a change of venue in the prosecution against Addison, a slave.

An act to incorporate the Richmond Female Institute.

An act for the benefit of Daniel Bailey.

An act for the benefit of Hiram Begley.

An act requiring certain duties of the Commissioners of Tax and County Court Clerks before the County Court shall receive the Commissioners' books.

An act to allow an additional Constable to Ballard county, and for other purposes.

That they had passed bills of the following titles, to-wit:

1. An act to regulate the weight of grain.
2. An act providing for a change of venue in the prosecution pending in the Jefferson Circuit Court, against Paschal D. Craddock, for perjury.
3. An act for the benefit of Edward Lewis, Sheriff of Green county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Agriculture; the 2d to the committee on the Judiciary; and the 3d to the committee on Finance.

1. Mr. Woodson presented the petition of Margaret J. Singleton, praying for a divorce from her husband, Merrit S. Singleton.

2. Mr. Slaughter presented the petition of sundry citizens of Boston and vicinity, of Nelson county, praying for the passage of a law authorizing Daniel Cotton, of said town, to retail spiritous liquors under his tavern licence at a house some distance from his tavern.

3. Mr. Slaughter also presented the remonstrance of William Johnson, against allowing to said Cotton the privileges asked for in said petition.

Which were received and referred: the 1st to the committee on Religion; and the 2d and 3d to the committee on Finance.

Mr. Hardin, from the committee on the Judiciary, reported a bill providing for a change of venue in the prosecution against Calvin Fairbank, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the first section of an act limiting the number of Justices of the Peace in the county of Wayne, reported the same with an amendment, which was disagreed to.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the widows of Larue county, reported the same without amendment.

The question being taken on reading said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Walker, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of Nancy and Robert W. Lowry, Jr.

An act to allow an additional Justice of the Peace to Marshall county, and for other purposes.

Reported the same without amendment.

The said bills were each amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William H. Richardson, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Walker, the committee on Propositions and Grievances was discharged from the further consideration of the petition of Henry J. Eastin, and the said petition was referred to the committee on Finance.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to establish the county of Metcalfe, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading was dispensed with.

The said bill is as follows, to-wit:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of June next, all the parts of Fleming, Morgan, and Carter counties, within the following boundary, to-wit: Beginning at the Elk Lick, on Licking river, in the county of Fleming; thence up said Licking river, to opposite the mouth of Beaver, in Morgan county; thence a line so as to exclude Henry Eajaerhart from the new county; thence to the mouth of Bates' branch on Laurel, a fork of Sandy; thence with the ridge East of Bates' branch, to the head of the Twin Branches, and along the ridge between said Twin Branches, and in that direction, to Caney creek, between the mouths of said Twin Branches, (also a fork of Sandy,) and line between Morgan and Carter counties; thence a line in a Northern direction, to the dividing ridge between the waters of Tygert's creek and Little Sandy, and along said dividing ridge to the head of the Tar Kiln branch; thence a line to Tygert's creek, at the mouth of Perry's branch; thence a straight line to the head of the Holly branch of Kinneconick, on the line between Carter and Lewis counties; thence with said line be-

tween the said counties of Carter and Lewis, to the Fleming county line, at the head waters of the East fork of Fox's creek, and with the dividing ridge between the waters of Triplett's creek and Fox's creek, and in that direction till it strikes the beginning, shall be formed into a new county, to called the county of Metcalfe.

SEC. 2. The county of Metcalfe shall have seven Justices of the Peace, who being qualified, shall convene at the house of Henry S. Powers, in said county, and qualify their Sheriff, and appoint their Clerk, if a majority of all the Justices in commission can agree to such appointment, and if they cannot agree, they may appoint a Clerk, pro tem., until such majority can agree.

SEC. 3. That the officers of Fleming, Morgan, and Carter counties, shall have power to collect all judgments, fee bills, and taxes within said counties, existing at the time this act takes effect.

SEC. 4. That Robert G. Lewis, Esq., of Fleming county, Robert Henderson, Esq., of Carter, and Thomas Perry, of Morgan, be, and they are hereby appointed Commissioners, who shall convene at the house of Henry S. Powers, in said new county, upon the first day of May next, or as soon thereafter as convenient; and the said Commissioners being first sworn, to locate the Seat of Justice for said county, faithfully and without partiality, shall purchase, or receive as a donation, a site for said Seat of Justice, and locate the same thereon, and report their proceedings to the County Court for said county of Metcalfe, who shall cause the same to be entered of record; and the County Court shall provide suitable buildings to hold the Courts, until public buildings are erected; and they shall cause suitable buildings to be erected on the site selected; they shall appoint four Constables, and lay off the county into suitable Constable's districts.

SEC. 5. That Dixon Clack shall run and mark the lines of the county of Metcalfe; and that the Commissioners to locate the Seat of Justice shall severally be allowed the sum of two dollars each per day; and the said Dixon Clack shall be allowed the sum of four dollars per day, to pay him, and defray his expenses, in running and marking the boundaries of said county, to be paid out of the county tax for the year 1845; and that the Sheriffs of Fleming, Carter, and Morgan, shall pay to the Sheriff of Metcalfe county the county levy collected by them for the year 1845, within the bounds of said county of Metcalfe.

SEC. 6. That the citizens of Metcalfe county shall vote at all elections as heretofore, and the Sheriff of said county shall compare the polls, as prescribed by law.

SEC. 7. That said county shall be attached to the 19th Judicial District, and the Circuit Court for said county shall be held on the _____, and the County Court on the _____.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Ballard and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.
Dyer,
Newell,

South,
Swope,

Winfrey,
Woodson—7.

Those who voted in the negative, were—

Messrs. Ballard,	Gilless,	Marshall,
Bennett,	Gray,	McElroy,
Boyd, A.	Hardin,	Patterson,
Carpenter,	Harris,	Peyton,
Chenault,	Helm,	Rodes,
Conner,	Holloway,	Slaughter,
Crenshaw,	Huston,	Taylor,
Drake,	James,	Wallace,
Field,	Key,	Walker—28.
Fox,		

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of Lois Smallwood.

An act for the benefit of L. B. Stark.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Winfrey, from a select committee, reported a bill to reduce the salaries of certain officers of this Commonwealth, which was read the first time.

Mr. Peyton moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Winfrey and Marshall, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	McAfee,
Bennett,	Fox,	Palmer,
Boyd, A.	Gilless,	Patterson,
Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Conner,	Helm,	Slaughter,
Crenshaw,	Holloway,	Swope,
Drake,	Huston,	Woodson—26.
Dyer,	Key,	

Those who voted in the negative, were—

Messrs. Carpenter,	McElroy,	Wallace,
Chenault,	Newell,	Walker,
James,	South,	Winfrey—11.
Marshall,	Taylor,	

1. Mr. Fox presented the petition of sundry citizens of Stanford, praying for the passage of a law to extend the limits of said town.

2. Mr. Patterson presented the petition of Bazel Standard, guardian of

Drury F. Rogers, praying for the passage of a law authorizing the sale of two tracts of land belonging to his ward.

Which were received and referred: the 1st to the committee on Propositions and Grievances; and the 2d to the committee on the Judiciary.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Walker—1. A bill to reduce the number of Justices of the Peace in this Commonwealth.

On the motion of Mr. Key—2. A bill directing the Judges of elections and Sheriff of Mason county to open a poll at the next August election for the purpose of ascertaining the number of legal voters of said county, who are in favor of accepting the proposals of the authorities of the City of Maysville, in relation to the removal of the Seat of Justice from Washington to Maysville.

On the motion of Mr. Conner—3. A bill to remove an election precinct in Carter county.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; Messrs. Key, Hardin and Gray were appointed a committee to prepare and bring in the 2d; and the committee on Privileges and Elections was directed to prepare and bring in the 3d.

A bill authorizing a settlement with John Tilford, was taken up.

Mr. Ballard moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rodes and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Carpenter,	Marshall,
Bennett,	Conner,	McElroy,
Boyd, A.	Harris,	Patterson—9.

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Gray,	Rodes,
Bradford,	Hardin,	Slaughter,
Chenault,	Helm,	Swope,
Crenshaw,	Holloway,	Taylor,
Drake,	Huston,	Wallace,
Dyer,	Key,	Walker,
Field,	McAfee,	Winfrey,
Fox,	Newell,	Woodson—26.
Gilless,	Peyton,	

The question was taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Rodes, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Fox,	McAfee,
Bradford,	Gilless,	Rodes,
Carpenter,	Gray,	Slaughter,
Chenault,	Hardin,	Swope,
Crenshaw,	Helm,	Taylor,
Drake,	Holloway,	Wallace,
Dyer,	Huston,	Walker,
Field,	Key,	Winfrey—24.

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	Patterson,
Bennett,	Marshall,	Peyton,
Boyd, A.	McElroy,	South—11.
Conner,	Newell,	

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballard and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gilless	Rodes,
Bradford,	Gray,	Slaughter,
Carpenter,	Hardin,	Swope,
Chenault,	Helm,	Taylor,
Crenshaw,	Holloway,	Wallace,
Drake,	Huston,	Walker,
Dyer,	Key,	Winfrey,
Field,	McAfee,	Woodson—25.
Fox,		

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	Patterson,
Bennett,	Marshall,	Peyton,
Boyd, A.	McElroy,	South—11.
Conner,	Newell,	

Resolved, That the title of said bill be as aforesaid.

On the motion of Mr. Dyer, the consideration of the report of the committee on Privileges and Elections, relative to the election of a Senator in the 27th Senatorial District, was postponed and made the order of the day for Tuesday the 28th instant.

And then the Senate adjourned.

MONDAY, JANUARY 20, 1845.

The Speaker being absent, Mr. John L. Helm was chosen Speaker for the occasion.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act for the benefit of Lucy G. Cocke and her children.
2. An act to allow an additional Justice of the Peace to Barren county, and for other purposes.
3. An act for the benefit of John Wiggins Flora.
4. An act to establish a Library Association at Newport, Kentucky.
5. An act for the benefit of William B. Carlisle and Archy S. Lewis, deputies for Samuel Faulkner, late Sheriff of Green county.
6. An act to amend an act, entitled, an act incorporating the town of Bardstown.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 2d, 3d and 6th to the committee on the Judiciary; the 4th to the committee on Education; and the 5th to the committee on Finance.

1. Mr. Bennett presented the petition of the stockholders in the Covington and Lexington Turnpike Road Company, praying for the passage of a law making an appropriation to enable them to further prosecute and complete said road.

2. Mr. Crenshaw presented the petition of Thomas Doran, praying for the passage of a law granting a change of venue to his slave Ned, who is indicted in the Hardin Circuit Court for an attempt to commit a rape upon a white woman.

3. Mr. Peyton presented the petition of sundry citizens of Grayson county, praying for the passage of a law declaring Bear Creek a navigable stream.

4. Mr. Palmer presented the petition of the heirs of William Merimee, deceased, praying for the passage of a law compensating them for injury done to certain lands by the slackwater on Barren river.

5. Mr. Swope presented the petition of the Contractors on Licking river, praying for the passage of a law remunerating them for damages sustained by them on account of the suspension of their works by the State.

6. Mr. Patterson presented the petition of the Trustees of the town of Princeton, praying for the passage of a law authorizing them to levy a suffi-

cient tax on the citizens and property within said town to enable them to drain certain ponds or basins within the limits of said town.

7. Mr. Patterson also presented the petition of the administrator and widow of Charles H. Webb, deceased, praying for the passage of a law authorizing the sale of certain lots in the town of Princeton, belonging to the estate of said decedent.

Which were received and referred: the 1st, 3d, 4th and 5th to the committee on Internal Improvement; and the 2d, 6th and 7th to the committee on the Judiciary.

Mr. Peyton laid before the Senate a letter suggesting an alteration in the laws for binding out infant children, which was received and referred to the committee on the Judiciary.

The following bills were reported, to-wit:

By Mr. Crenshaw, from the committee on the Judiciary—1. A bill to change the terms of the Logan, Allen, Edmonson and Simpson Circuit Courts.

By Mr. Walker, from the committee on Propositions and Grievances—2. A bill to change the place of voting in the Little Fork precinct in Carter county, to the house of James Boggs, in said county.

By Mr. Swope, from a select committee—3. A bill giving to the Falmouth Bridge Company further time to receive subscriptions of stock, and to complete said Bridge.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 3d was referred to the committee on the Judiciary; and the 1st and 2d were ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st and 2d bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker was present and took the chair.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Edward Lewis, Sheriff of Green county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James, the committee on Finance was discharged from the further consideration of the petition of sundry citizens of the town of Boston and vicinity, of Nelson county, praying that Daniel Cotton

may be allowed to retail spirituous liquors under his tavern license at a house distant from his tavern house, and the remonstrance of William Johnson against the said petition.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Huston—1. A bill to amend an act, entitled, an act for the benefit of Merial Deneal, of Spencer county, passed and approved the 1st of March, 1844.

On the motion of Mr. Jones—2. A bill supplemental to an act, entitled, "an act to establish the county of Fulton."

On the motion of Mr. Slaughter—3. A bill to incorporate the Bardstown Female Seminary.

On the motion of Mr. Peyton—4. A bill to apply the rent received from the Lexington and Ohio Railroad in aid of the Sinking Fund.

On the motion of Mr. Newell—5. A bill to establish a State road from Colemansville, in Harrison county, to Fosters' landing, on the Ohio river.

The committee on the Judiciary was directed to prepare and bring in the 1st; the committee on Finance the 2d; the committee on Education the 3d; the committee on the Sinking Fund the 4th; and Messrs. Newell, Swope and Taylor were appointed a committee to prepare and bring in the 5th.

Mr. Field read and laid on the table the following resolutions, to-wit:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the consent of this Legislature be, and the same is hereby given to the United States of America, to purchase and hold such tracts, or parcels of land in or near to the city of Louisville, and town of Paducah, in the Commonwealth aforesaid, as may be, or have already been selected as sites for Hospitals.

Be it further resolved, That the Senators in Congress from this State be instructed, and the Representatives respectfully requested, to urge upon the Congress of the United States the propriety of making, at the present session thereof, the necessary appropriations to erect the hospital buildings on the sites aforesaid.

Be it further resolved, That his Excellency, the Governor of this Commonwealth, be requested to communicate to each of the Senators and Representatives from this State, in the Congress of the United States, a copy of the foregoing resolutions.

The rule of the Senate being dispensed with, the said resolutions were taken up, twice read and adopted.

On the motion of Mr. Peyton,

Resolved, That the special message of the Governor, in answer to a resolution of the Senate of 1st January, 1845, be referred to the committee on the Sinking Fund, with instructions to report the condition of the proceeds of the sale of \$100,000 of State Bonds; whether the same is yet on hand or has been used in any way, and the loss to the State, if any, by the sale of State Bonds to pay the Contractors, instead of using that fund, as required by law, and that said committee report to the Senate.

On the motion of Mr. Harris:

Ordered, That the bill to modify and change the law of 1833, prohibiting the importation of slaves into this State for the purpose of merchandise, be postponed and made the special order of the day for to-morrow, the 21st instant.

A bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, was postponed and made the special order of the day, in committee of the Whole, for Wednesday next, the 22d instant.

A bill from the House of Representatives, entitled, an act for the benefit of James Angel, was read the third time as amended.

Resolved, That said bill, as amended, do pass, and that the title thereof be amended by adding thereto "and Burnley D. Smith."

An engrossed bill, entitled, an act for the benefit of Fayette Posey, of the county of Henderson, was read the third time.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and W. P. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	Peyton,
Bennett,	Helm,	South,
Boyd, A.	Holloway,	Taylor,
Carpenter,	Marshall,	Wallace,
Conner,	McAfee,	Walker,
Dyer,	McElroy,	Winfrey—20.
Gilless,	Palmer,	

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Fox,	Patterson,
Chenault,	Hardin,	Rodes,
Crenshaw,	Huston,	Slaughter,
Drake,	James,	Swope,
Field,	Newell,	Woodson—15.

Resolved, That the title of the said bill be as aforesaid.

A bill for the benefit of the owners of mills and other property, injured by slackwater, was taken up, amended, and referred to the committee on Internal Improvement.

And then the Senate adjourned.

TUESDAY, JANUARY 21, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution from the Senate fixing a day for the election of Public Officers.

That they had passed bills of the following titles, to-wit:

1. An act the better to protect the purity of elections.
2. An act establishing a chancery and criminal term of the Marion Circuit Court.
3. An act to incorporate the Trustees of the Sharon Presbyterian Church, in Bracken county.
4. An act for the benefit of the Sheriff of Nicholas county.
5. An act to amend the road laws of Pendleton county.
6. An act for the benefit of the Woodford Guards Riflemen.
7. An act granting a change of venue to Henry Huffman.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st to the committee on Privileges and Elections; the 2d, 3d and 7th to the committee on the Judiciary; the 4th to the committee on Finance; the 5th to the committee on Internal Improvement; and the 6th to the committee on Military Affairs.

1. Mr. Huston presented the petition of the heirs of Nicholas Ware, praying for the passage of a law authorizing the sale of certain land belonging to the estate of said decedent.

2. Mr. Bennett presented the petition of H. E. Spillman, praying for the passage of a law authorizing the Campbell County Court to appoint a Collector of the county levy due and unpaid for the year 1843.

3. Mr. Ballard presented the petition of Richard Bartlett, a Constable of Henry county, praying for the passage of a law authorizing him to reside in the town of New Castle, in said county, being out of his district.

4. Mr. Holloway presented the petition of sundry citizens of Henderson county, praying for the passage of a law legalizing and declaring valid the original deed of partition executed by the members and legal representatives of the Henderson Land Company, to and amongst each other.

Which were received and referred: the 1st and 4th to the committee on the Judiciary; and the 2d and 3d to the committee on Propositions and Grievances.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined an enrolled resolution, which originated in the Senate, fixing a day for the election of Public Officers, and had found the same truly enrolled.

The said resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and it was delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

After a short time a message was received from the Governor, by Mr. Mitchell, Assistant Secretary of State, announcing that the Governor had approved and signed said resolution.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill providing for the location of the County Seat of Owsley county, reported the same without amendment.

Ordered, That said bill be re-committed to the committee on Propositions and Grievances.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of Lucy G. Cocke and her children.

An act for the benefit of John Wiggins Flora.

An act to allow an additional term to the Lincoln County Court, and an additional Justice of the Peace to Lincoln county,

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

1. An act to allow an additional Justice of the Peace to Barren county, and for other purposes.

2. An act to amend an act, entitled, an act incorporating the town of Bardstown,

Reported the same with amendments to each, which were concurred in.

The first bill was further amended.

Ordered, That said bills be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

The following bills were reported from the committee on the Judiciary, to-wit:

By Mr. Hardin—1. A bill to amend the act, entitled, an act for the benefit of Merial Deneal, of Spencer county.

2. A bill to change the time of holding the Muhlenburg and Boyle Circuit Courts.

By Mr. Patterson—3. A bill for the benefit of the administrator and heirs at law of Thomas Rogers, deceased.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, reported a bill to reduce the number of Justices of the Peace in this Commonwealth, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. Winfrey moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and Huston, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Carpenter,	Field,	McAfee,
Chenault,	Gilless	McElroy,
Conner,	Gray,	Rodes,
Crenshaw,	Helm,	Wallace,
Drake,	Marshall,	Winfrey—16.
Dyer,		

Those who voted in the negative, were—

Messrs. Harris,	Newell,	Taylor,
Holloway,	Peyton,	Walker—8.
Huston,	Swope,	

On the motion of Mr. Harris,

Ordered, That a message be sent to the House of Representatives to inform them that the Senate are now ready to proceed to the election of Public Officers, and Messrs. Harris, Walker and Winfrey were directed to carry the said message.

A message was received from the House of Representatives announcing that they are now ready to proceed to said election.

After interchanging nominations between the Houses, the Senate proceeded to vote for Treasurer.

And Mr. James Davidson received the unanimous vote of the Senate.

Messrs. Helm, Rodes and Peyton were appointed a committee on the part of the Senate, to compare the joint vote and report the result.

After a short time Mr. Helm reported that Mr. James Davidson had received the unanimous vote of both Houses; whereupon, he was declared to be duly elected Treasurer of this Commonwealth for the ensuing year.

After a short time Mr. Harris reported that the joint vote stood thus:

For Mr. G. A. Robertson,	-	-	-	-	-	108
For Mr. James Monroe,	-	-	-	-	-	23

Mr. G. A. Robertson having received a majority of all the votes given, was declared to be duly elected Public Librarian for the ensuing year.

After interchanging nominations, the Senate then proceeded to vote for a President and two Directors of the Bank of the Commonwealth.

And Mr. Owen G. Cates received the unanimous vote of the Senate for President, and Messrs. Thomas S. Page and James Davidson the unanimous vote for Directors.

Messrs. Slaughter, Peyton and Rodes were appointed a committee on the part of the Senate to compare the joint vote and report the result.

After a short time Mr. Slaughter reported that Messrs. Owen G. Cates, Thomas S. Page and James Davidson had received the unanimous vote of both Houses, save one; whereupon, Mr. Owen G. Cates was declared to be duly elected President, and Messrs. Thomas S. Page and James Davidson Directors of the Bank of the Commonwealth for the ensuing year.

After interchanging nominations, the Senate then proceeded to vote for one Director of the Lunatic Asylum, in the place of Nathaniel Shaw, whose term of service had expired.

And Mr. Nathaniel Shaw received the unanimous vote of the Senate.

Messrs. Rodes, Drake and Slaughter were appointed a committee to compare the joint vote and report the result.

After a short time Mr. Rodes reported that Mr. Nathaniel Shaw had received the unanimous vote of both Houses; whereupon, he was declared to be duly elected a Director of the Lunatic Asylum.

On the motion of Mr. Crenshaw,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act for the benefit of William H. Richardson, and Mr. Crenshaw was directed to carry said message.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Helm—1. A bill to cancel, by burning, certain State Bonds.

2. A bill to provide a mode for settling the accounts of O. G. Cates, as President of the Bank of the Commonwealth, and direct a sale of the real estate of said Bank.

3. A bill to change the time of holding the Larue Circuit Court.

On the motion of Mr. Field—4. A bill concerning the Northern Bank of Kentucky.

On the motion of Mr. Bennett—5. A bill to amend an act to incorporate the Western Baptist Theological Institute of Covington.

On the motion of Mr. Huston—6. A bill for the benefit of Marietta H. Estes and her children.

On the motion of Mr. W. P. Boyd—7. A bill to amend the 4th section of an act, entitled, an act to amend an act regulating divorces in this Commonwealth, approved March 2, 1843.

The committee on the Sinking Fund was directed to prepare and bring in the 1st and 2d; Messrs. Helm, Slaughter and Palmer were appointed a committee to prepare and bring in the 3d; Messrs. Field, Fox and Key the 4th; the committee on Education was directed to prepare and bring in the 5th; the committee on Education the 6th, and the committee on Religion the 7th.

And then the Senate adjourned.

WEDNESDAY, JANUARY 22, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of resolutions from the Senate, relative to the purchase of sites, and the erection of Hospitals, by the Federal Government at Louisville, and Paducah.

That they had passed bills of the following titles, to-wit:

1. An act to amend an act incorporating the town of Paducah, and for other purposes.
2. An act to incorporate the Campbell Turnpike Road Company.
3. An act for the divorce of Eliza Jane and Oscar Roberts, and to change the name of said Eliza Jane, to that of Eliza Jane Chenowith.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on the Judiciary; the 2d to the committee on Internal Improvement; and the 3d to the committee on Religion.

1. Mr. South presented the remonstrances, depositions and affidavits of sundry citizens of Estill and Owsley counties, against the memorial of Archibald McGuire and others, relative to the location of the County Seat of Owsley county.

2. Mr. Hardin presented the petition of George W. Cole, guardian for

Mary E. Ewers and others, the heirs of James B. Ewers, deceased, praying for the passage of a law authorizing the sale of a certain tract of land belonging to the estate of said decedent.

3. Mr. Field presented the petition of F. Frederick and wife, praying for the passage of a law authorizing a sale of a certain house and lot in the City of Louisville, belonging to the estate of John Keck, deceased.

4. Mr. Slaughter presented the petition of Burr Harrison, praying for the passage of a law authorizing the sale of the land of his grandson, Cuthbert H. Bain.

5. Mr. Palmer presented the petition of William S. Hamilton, praying for the passage of a law to straighten the line between the counties of Marion and Washington, so as to include the house and farm of said Hamilton in the county of Marion.

6. Mr. Harris presented the petition of Mark Whitaker, praying for a divorce from his wife.

Which were received and referred: the 1st and 5th to the committee on Propositions and Grievances; and the 2d, 3d and 4th to the committee on the Judiciary; and the 6th to the committee on Religion.

On the motion of Mr. Swope, leave was given to withdraw the petition of the Contractors on the Licking River.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act to revive the act concerning the town of New Liberty, approved 27th February, 1844.

An act for the benefit of Thomas Cross.

An act for the benefit of Hiram Begley.

An act for the benefit of George O. Thompson.

An act to allow an additional Constable to Ballard county, and for other purposes.

An act requiring certain duties of the Commissioners of Tax and County Court Clerks before the County Court shall receive the Commissioner's books.

An act for the benefit of Daniel Bailey, and for other purposes.

An act to amend the act incorporating the Maysville Manufacturing Company, and for other purposes, approved March 2, 1844.

An act to provide for a change of venue in the prosecution against Addison, a slave.

An act to incorporate the Richmond Female Institute.

An act to legalize the proceedings of the Estill County Court, held in October, 1844.

An act to prevent fraud in the sale of Salt.

An act to incorporate the Trustees of the Centre Point Meeting House, in Monroe county.

An act for the benefit of Aquilla Hoskins.

An act to incorporate the Trustees of the Tompkinsville Old School Presbyterian Church, in Monroe county.

An act to change an election precinct in the county of Perry, and for other purposes.

An act allowing an additional Justice of the Peace to the county of Greenup.

An act to legalize the appointment of Benjamin Alsop, Constable of Daviess county.

An act the better to define the western and southern limits of the City of Louisville, and for other purposes.

An act to change the election precinct held at James Butler's, in Adair county, to John S. Coleman's, in said county.

An act regulating the precincts of Jefferson county, and for other purposes.

An act to amend an act, entitled, an act to regulate the management of the Wilderness road, and for other purposes, approved March 2, 1844.

An act to establish an additional election precinct in Harlan County.

An act for the benefit of Ann M. Prewitt.

An act to reduce the number of Justices of the Peace in the county of Boone.

An act for the benefit of Stephen M. Farrish, Jailer of Morgan county.

An act to allow an additional Justice of the Peace to the county of Trimble.

An act for the benefit of William Berry and wife, of Adair county.

An act to authorize the young men of Russellville to have a Thespian Society without licence.

An act for the benefit of Isaac Bolt.

An act for the benefit of David Janes and his wife.

An act to amend the road law in Greenup county.

An act amendatory of the several acts concerning the town of Newport, Kentucky.

An act for the benefit of James Venable, of Shelby county.

An act for the benefit of the Sheriffs of Graves and Perry counties.

An act to allow an additional Justice of the Peace to the county of Casey, and for other purposes.

An act for the benefit of the widow and heirs at law of John McElya, deceased.

An act for the benefit of the heirs and administrator of John Q. Thompson, deceased.

An act for the benefit of Lois Smallwood.

An act to repeal the first section of an act limiting the number of Justices of the Peace in the county of Wayne, and for other purposes.

An act for the benefit of L. B. Stark.

An act for the benefit of Edward Lewis, Sheriff of Green county.

And enrolled bills which originated in the Senate of the following titles, to-wit:

An act for the benefit of Constant A. Wilson, of Logan county.

An act providing for a change of venue in the prosecution against Joseph N. Allen.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Two messages, in writing, were received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to-wit:

Gentlemen of the Senate:

A recommendation was sometime since received from a majority of the field officers and commandants of companies, for *Wootson Coke* to be Major of the 27th Regiment.

A nomination intended to be in conformity to that recommendation, was made to the Senate on the 7th instant, and confirmed by the Senate. In that nomination, the name was, by mistake, written *Watson Coke*. It has since been made known to me, that there is no such person as *Wootson Coke* or *Watson Coke*, and that *Woodson Coke* was the person intended by the field officers and commandants of companies to be recommended. I therefore nominate for your advice and consent, *Woodson Coke* to be Major of the 27th Regiment, 1st Brigade of Kentucky Militia.

WM. OWSLEY.

January 22, 1845.

Gentlemen of the Senate:

I nominate for your advice and consent, James C. Calhoun to be Sheriff of McCracken county, for the unexpired term of N. Williams, resigned.

WM. OWSLEY.

January 22, 1845.

Resolved, That the Senate advise and consent to the said appointments.

On the motion of Mr. Helm, leave was given to withdraw the petition of Rachel Hoskins.

Mr. Rods, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of

Sally B. Booker, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the laws regulating the management of the Wilderness road and Madison Fork, and to amend and reduce into one the several acts incorporating the Oakland Turnpike Road Company, approved March 2, 1844, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the road laws of Pendleton county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill for the benefit of the owners of mills and other property injured by slackwater, reported the same without amendment.

The third section of the said bill is as follows, viz:

SEC. 3. If, after a full examination of the testimony, the Board shall find that the individual or individuals applying, have sustained injury, or damage, beyond the amount of benefits resulting to said individual or individuals, from said improvements, it shall be the duty of the Board to *cause the same to be paid out of the Internal Improvement fund*, including in each case, an amount sufficient to pay the expenses of such investigation.

Mr. Crenshaw moved to amend the said section by striking out the words "cause the same to be paid out of the Internal Improvement fund," printed in italics, and inserting in lieu thereof, the words "report to the General Assembly the amount of such injury and damage."

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballard and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Holloway,	Palmer,
Boyd, A.	Huston,	Patterson,
Chenault,	James,	Peyton,
Conner,	Key,	Slaughter,
Crenshaw,	Marshall,	Swope,
Drake,	McAfee,	Taylor,
Gray,	Newell,	Winfrey—22.
Hardin,		

Those who voted in the negative, were—

Messrs. Carpenter,	Harris,	Wallace,
Dyer,	McElroy,	Walker,
Field,	South,	Woodson—10.
Gilless,		

The question was then taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, A.	Gray,	Slaughter,
Carpenter,	Helm,	Swope,
Chenault,	Holloway,	Wallace,
Crenshaw,	Key,	Walker,
Dyer,	Newell,	Winfrey,
Field,	Palmer,	Woodson—20.
Gilless,	Rodes,	

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	McElroy,
Conner,	Huston,	Patterson,
Drake,	James,	Peyton,
Fox,	Marshall,	South,
Hardin,	McAfee,	Taylor—15.

The following bills were reported, to-wit:

By Mr. Rodes, from the committee on Religion:

A bill for the benefit of Margaret J. Singleton.

By Mr. Dyer, from the committee on Internal Improvement:

A bill declaring Bear Creek and Little Barren river navigable streams.

By Mr. James, from the committee on Finance:

A bill for the benefit of Andrew Biggs, deputy Sheriff of Greenup county.

A bill to authorize the Surveyor's Books of Henderson county to be transcribed.

A bill for the benefit of the widow of James C. Ashbrooke, deceased, of Boone county.

A bill supplemental to an act, entitled, an act to establish the county of Fulton.

By Mr. McAfee, from the committee on Education:

A bill to amend an act, entitled, an act to amend an act to incorporate the Western Baptist Theological Institute of Covington, approved February 2, 1841.

By Mr. Slaughter, from the same committee:

A bill to incorporate the Bardstown Female Seminary.

By Mr. Wallace, from the committee on Military Affairs:

A bill to legalize the proceedings of the 115th Regiment of Kentucky Militia.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of William B. Carlisle, and Archy S. Lewis, deputies for Samuel Faulkner, late Sheriff of Green county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of William Hart and William L. Smith.

An act for the benefit of John Cunningham,

Reported the same with the opinion of the committee that they ought not to pass.

The question being taken on reading the said bills a third time, it was decided in the negative, and so the said bills were disagreed to.

Mr. James, from the same committee, reported a bill for the benefit of the Kentucky Institution for the Education of the Blind, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill being dispensed with, it was made the special order of the day for Tuesday, the 28th instant, and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Mr. James, from the same committee, to whom was referred a bill for the benefit of William A. Robards and others, reported the same without amendment.

The question being taken on engrossing and reading said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Field and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Huston,	Slaughter,
Boyd, W. P.	Key,	Swope,
Crenshaw,	Newell,	Taylor,
Drake,	Palmer,	Wallace,
Field,	Patterson,	Walker,
Gray,	Peyton,	Woodson—20.
Holloway,	Rodes,	

Those who voted in the negative, were—

Messrs. Ballard,	Gilles	McAfee,
Boyd, A.	Hardin,	McElroy,
Carpenter,	Harris,	South,
Chenault,	James,	Winfrey—14.
Conner,	Marshall,	

The constitutional rule as to the third reading being dispensed with,
Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James, the committee on Finance was discharged from the duty of preparing and bringing in a bill for the benefit of Charles Williams, of the county of Henry.

Mr. McAfee, from the committee on Education, to whom was referred a bill from the House of Representatives, entitled, an act to establish a Library Association at Newport, Kentucky, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. McAfee, from the same committee, to whom was referred a bill for the benefit of certain school districts, in the counties of Fayette and Clarke, reported the same with amendments, which were concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended, by inserting Adair in lieu of Clarke.

Mr. Wallace, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act to legalize the proceedings of the 45th Regiment of Kentucky Militia, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Slaughter, from the committee on Agriculture, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the weight of grain, reported the same without amendment.

Mr. McAfee moved to amend the said bill by adding thereto the following, to-wit:

"And all salt sold in this State, after the first day of September next, shall be estimated at 56 pounds to the bushel, corresponding with regulations of the United States Custom House."

And the question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Marshall, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Marshall,	Peyton,
Conner,	McAfee,	South,
Harris,	McElroy,	Wallace—10.
James,		

Those who voted in the negative, were—

Messrs. Boyd, A.	Gilless,	Rodes,
Boyd, W. P.	Gray,	Slaughter,
Carpenter,	Hardin,	Swope,
Chenault,	Helm,	Taylor,
Crenshaw,	Huston,	Walker,
Drake,	Key,	Winfrey,
Dyer,	Newell,	Woodson—22.
Fox,		

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Drake—1. A bill for the benefit of the sureties of James H. McKee, late Deputy Sheriff of Franklin county.

On the motion of Mr. McElroy—2. A bill to incorporate a College in the county of Union, to be styled the Henry Clay Institute.

Also—3. A bill to revive the act incorporating the Union White Sulphur Springs Company, approved February 11, 1836.

On the motion of Mr. Wallace—4. A bill for the benefit of Samuel Hardesty, late Sheriff of Boone county.

The committee on the Judiciary was directed to prepare and bring in the 1st, 2d and 3d; and the committee on Finance the 4th.

Mr. Key, from a select committee, reported a bill to provide for taking the sense of the people of Mason county, relative to the Seat of Justice in said county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bill was dispensed with.

And then the Senate adjourned.

THURSDAY, JANUARY 23, 1845.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

An act for the benefit of Fanny Beal and Susannah McGarey.

An act divorcing Charles S. Graham.

An act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties.

1. Mr. South presented the petition of sundry citizens of Letcher county, praying for the passage of a law allowing an additional Justice of the Peace to said county.

2. Mr. Taylor presented the petition of a portion of the stockholders in the Winchester and Lexington Turnpike Road Company, praying for the passage of a law reducing the number of Directors of said road.

3. Mr. Wallace presented the petition of sundry citizens of Carroll county, praying for the passage of a law establishing an additional ferry at the town of Carrollton.

4. Mr. Swope presented the petition of Overton P. Hogan, praying for the passage of a law authorizing the conveyance of a house and lot in Williamstown, to the heirs of Henry Case.

5. Mr. Drake presented the petition of sundry citizens of Franklin county, praying for the passage of a law establishing an additional election precinct in said county, the place of voting to be at the house of Reuben B. Sebree.

Which were received and referred: the 1st to the committee on Propositions and Grievances the 2d to the committee on Internal Improvement; the 3d and 4th to the committee on the Judiciary; and the 5th to the committee on Privileges and Elections.

On the motion of Mr. Gray,

Resolved, That the committee on the Sinking Fund ascertain and report to the Senate, the state of the accounts of the Commissioners of the Sinking Fund with the Bank of Kentucky, Northern Bank of Kentucky, and Bank of Louisville; and that they also ascertain and report what balance is due to or from the Bank of America, in New York, after paying the interest on the public debt, due and payable at that Bank, the 1st of January, 1845; and that they also ascertain and report to the Senate, for what specific services rendered by John Tilford, he was paid, on the 18th of March, 1844, \$500, and on the 17th of June, 1844, \$150; and whether or not said Tilford's visit to the east, was for other purposes than those connected with the business of the Sinking Fund: that they also ascertain and report for what extra services rendered by the Secretary of the Commissioners, he was paid \$250 on the 23d May 1844; and by what authority of law, and under what circumstances, interest was paid on coupons; and that they have power to send for persons and papers, if necessary.

The Senate resumed the consideration of a bill to provide for taking the sense of the people of Mason county, relative to the Seat of Justice in said county.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State, which is as follows, to-wit:

Gentlemen of the Senate:

It is due to myself as well as the Senate, that I should make an explanation of some of the statements contained in my message of the 14th inst. In reference to the one hundred thousand dollars of five per cent. State bonds which had been sold by my predecessor, through the agency of John Tilford, Esq., in the State of New York, I stated in that message, that after deducting the amount expended in the purchase of two hundred and thirty one shares of stock in the Bank of Louisville, there remained a balance of the proceeds of the sale of the bonds, of \$76,018 25, which remains in the Bank of America, subject to the check of the Commissioners of the Sinking Fund. It is known by all, that I had no agency in that transaction, and of course could not speak, in reference to it, from my personal knowledge. But called upon by the resolutions of the Senate, it devolved on me to make such communication as I believed to be correct. Unwilling, however, to make any statement that might do injustice to my predecessor, or be the means of improper reflections upon his conduct, I drew up a statement of the matter, as I understood it, and sent for him and read it to him, at the same time requested him to point out any inaccuracy in the statement, if it was not correct. He replied, that it was substantially correct, with one exception, and that was, I had omitted to state the reason why the money in the Bank of America had not been vested in the purchase of stocks, as contemplated at the passage of the act, under which the State bonds had been

sold. I informed him that I would write my statements over, and make the correction suggested. I, at the same time, suggested that the transaction ought to be correctly represented, and if desired by him, I would address a note to him so as to enable him, in his own language, to make the statement. He remarked, that the statement would come more properly from me, and that he was entirely satisfied with the statement as made by me, provided the correction was made in the particular mentioned. He further remarked, that Mr. Cox, who was Secretary of the Board of Internal Improvement, possessed information on the subject, and it might be proper, for full information, for me to address a note to him on the subject, and that I could transmit Cox's reply, with my statement, to the Senate. Accordingly, I drew up and addressed a note to Cox, and handed it to my predecessor to be delivered to Mr. Cox. That note and reply accompanied my message. After the conversation with my predecessor, I changed the statement which I read to him, by adding the following paragraph, which is contained on the second page of the message, to-wit: "There has been no other investment, because, as I am informed, stocks rose in value and could not be purchased at the price contemplated at the passage of the act of 1843, under which the sale of the bonds was made." I also added to the statement one other paragraph, on the same page of the message, in the following words: "With a view to more full information on this subject, I addressed a note to the Secretary of the Board of Internal Improvement, to which he replied, and I herewith transmit his reply and my note to him." In every other respect, the message, as it was sent to the Senate, contains substantially, the same statements which I had previously written, and which was read to and approved by my predecessor. The statement in regard to the money being in the Bank of North America, I am entirely certain, was contained in the statement read by me to him. Since that message was sent to the Senate, I have seen the printed statement of the Secretary of the Sinking Fund, and discover that I was mistaken in supposing that the \$76,018 25, remained in the Bank of America. From his statement it appears that the greater part of that sum has been applied to the payment of interest on State bonds, and that there remained in the Bank of America, only \$31,808 04, on the 11th of December last. It also appears that the amount in Bank on that day, will be needed, if not already applied, to pay the interest which became payable in New York the first of this month. The statement of the Secretary of the Sinking Fund was not completed by him until after I had written my message, nor was it read by me until I saw it in print. I have been since furnished by the Secretary of the Sinking Fund, with a further statement in regard to the condition of the Fund, which I herewith transmit. I now understand that instead of being in the Bank of America, the most, if not all of the \$76,018 25, has been applied, or will be needed, to pay the interest already payable on State bonds.

WM. OWSLEY.

January 23, 1845.

The \$85,300 transmitted last month, \$10,000 to be transmitted this week, and the \$31,000 in the Bank of America, the 6th December last, will be set apart to pay January, 1845, instalment, payable in New York. Whatever balance may remain, will be left there.

The present and prospective resources for 1845, may be stated as follows:

Due from Northern Bank, on account,	-	-	-	-	-	\$ 12,361 00
Amount carried forward,	-	-	-	-	-	\$ 12,361 00

Amount brought forward,	-	-	-	-	\$ 12,361 00
In the Treasury, now part of revenue of 1844,	-	-	-	\$67,972 00	
Do. from miscellaneous sources,	-	-	-	8,728 00	
					76,700 00
Estimate for balance to be paid into the Treasury during the winter, viz:					
For revenue of 1844,	-	-	-	\$42,000 00	
Miscellaneous sources due in 1844,	-	-	-	2,000 00	
					44,000 00
Making,	-	-	-	-	\$133,061 00
Out of this there is to be paid:					
To Bank of Kentucky, for check,	-	-	-	\$20,000 00	
Premium thereon,	-	-	-	200 00	
Northern Bank, for check,	-	-	-	30,000 00	
Premium thereon,	-	-	-	300 00	
Interest on \$100,000 of 5 per cent. bonds, to Northern Bank,	-	-	-	2,500 00	
Interest on \$150,000 of 5 per cent. bonds, to Bank of Kentucky,	-	-	-	3,750 00	
Treasury, to pay interest on 6 years bonds,	-	-	-	2,000 00	
					58,750 00
Amount supposed will be on hand at close winter,	-	-	-	-	\$ 74,311 00
To be added during the year 1845, to-wit:					
Tax on capital stock in the three Banks, payable July, 1845,	-	-	-	-	35,105 00
From Northern Bank:					
Dividends on 400 shares, January, 1845,	-	-	-	\$1,400 00	
Do. do. July, 1845,	-	-	-	1,400 00	
Excess dividends on State stock, January, 1845,	-	-	-	2,500 00	
Do. do. July, 1845,	-	-	-	2,500 00	
					7,800 00
Dividends on 9,399 shares, January, 1845,	-	-	-	\$ 18,798 00	
Do. do. July, 1845,	-	-	-	18,798 00	
					37,596 00
From Bank Louisville:					
Dividends on 406 shares, January, 1845,	-	-	-	\$1,218 00	
Do. do. July, 1845,	-	-	-	1,218 00	
					2,436 00
Estimate for revenue for 1845,	-	-	-	-	110,000 00
Estimates for Bank Commonwealth, Old Bank Kentucky, Roads, Navigation, Brokers and Insurance Offices,	-	-	-	-	52,000 00
Estimate of resources,	-	-	-	-	\$319,248 00
Out of which there is to be paid:					
For interest on State debt, in July, 1845, and January, 1846,	-	-	-	\$250,020 00	
Exchange and contingencies,	-	-	-	2,650 00	
					252,670 00
Estimate of amount on hand, January, 1846,	-	-	-	-	\$66,578 00
To which may be added, dividends on 231 shares Stock Bank Louisville, January and July, 1844, not yet received,	-	-	-	-	1,398 00
[The check drawn on the Bank of North America, for \$2,097, referred to in a note in printed report, included the \$1,398, and dividends of January, 1845, the latter dividend is included in the item above, of \$2,436.]					
					\$ 67,976 00
Kentucky River Tolls received in 1844, not paid over by Board of Internal Improvement,	-	-	-	-	7,000 00
Railroad rent, held by same,	-	-	-	-	4,500 00
If these sums are given to the Sinking Fund, the sum will be	-	-	-	-	\$ 79,476 00
The Sinking Fund has received the balance of proceeds of the \$100,000 of 5 per cent. bonds, say \$76,023 25 less \$500, paid Agent for selling them, leaving					
					\$ 75,523 25
The Sinking Fund owe the State this sum, and the means of paying, are shown in the foregoing statement.					

Ordered, That the Public Printer print 150 copies of the said message and the accompanying statement for the use of the General Assembly.

Mr. Fox moved the following resolution, to-wit:

Resolved, That a select committee of five be appointed to investigate and report to the Senate the propriety of the expenditure of the \$76,000 deposited in the Bank of America, and that said committee have power to send for persons and papers.

Mr. Peyton moved to amend the said resolution by adding thereto the following, to-wit:

That said committee also enquire and report to the Senate, whether the money in the Bank of America could not have been had in Kentucky, in time to pay the Contractors; what loss the State has sustained in consequence of the payment of Contractors being made in bonds instead of money; and by what authority of law, the bonds were issued for the payment of Contractors; by what authority of law, the proceeds of the sale of \$100,000 of State Bonds was transferred to the Sinking Fund; by what authority of law, the State Bonds for the \$100,000 were sold, and part of the proceeds invested in Bank stock.

The said amendment was adopted, and the resolution, as amended, was then adopted, and Messrs. Fox, Field, Peyton, Gray and Holloway were appointed a committee pursuant thereto.

Mr. Rodes, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act for the divorce of Eliza Jane and Oscar Roberts, and to change the name of said Eliza Jane, to that of Eliza Jane Chenowith, made the following report thereon, viz:

The committee on Religion, to whom was referred a bill from the House of Representatives, to divorce Eliza Jane and Oscar Roberts, would respectfully report, that by an invitation of the committee on Religion of the House of Representatives, they set with said committee, during their protracted and patient investigation of the allegations set forth in the petition of Eliza Jane Roberts, for a divorce from her husband, Oscar Roberts, and fully concur in the report of that committee to the House, a printed copy of which is herewith submitted as a part of this report.

Your committee would state that they not only concur with the committee of the House, in the opinion "that the evidence in the case does not inculpate Mrs. Chamberlin, (the sister of Oscar Roberts) in her character and standing in society," but they go farther, and say that they do not think the evidence inculpates any member of the Roberts family, in their character and standing in society, except Oscar Roberts himself. They believe the divorce ought to be granted, under all the circumstances connected with the case, not only as an act of justice to the young lady, but as an example, going to show that the Legislature disapproves of, and discountenances all such conduct, as its tendency is to demoralise society, and to weaken parental authority.

The committee are unanimously of the opinion that the bill ought to pass.

The said report of the committee of the House of Representatives is as follows, to-wit:

The committee on Religion have, according to order, had under their consideration the petition of Eliza Jane Roberts, praying to be divorced from

her husband, Oscar Roberts. The petitioner asks relief at the hands of this Legislature, because of her immature age and not acquainted with the ways of the world. She says she has been deceived; that she has married a man who she has since learned was of desperate bad character, and the marriage effected upon a license obtained by perjury, which is shown by a certified copy of the records of the Floyd Circuit Court, of the State of Indiana, by which it appears that one John Coburn was indicted for making his affidavit and swearing falsely to the age and residence of the petitioner, in the State of Indiana, by which the license was obtained; and upon a final hearing, the said Coburn was sentenced to fine and imprisonment. The committee are unanimous in the opinion that the petitioner is entitled to relief, because of the former dissolute habits of Roberts and the corrupt means used in obtaining the marriage license.

The committee beg leave here to say, that they unanimously concur in the opinion that the evidence in the case does not inculpate Mrs. Chamberlin in her character and standing in society.

The committee recommend the passage of a bill releasing said Eliza Jane and Oscar, from marriage bonds.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and A. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Fox,	Palmer,
Bennett,	Gray,	Patterson,
Boyd, A.	Hardin,	Peyton,
Boyd, W. P.	Helm,	Rodes,
Carpenter,	Holloway,	Slaughter,
Chenault,	Huston,	Swope,
Conner,	James,	Taylor,
Crenshaw,	Key,	Wallace,
Drake,	Marshall,	Walker,
Dyer,	McAfee,	Winfrey,
Field,	Newell,	Woodson—33.

Those who voted in the negative, were—

Messrs. Gillless,	Harris,	South—3.
-------------------	---------	----------

Resolved, That the title of the said bill be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Mitchell, Assistant Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Charles Collier to be Sheriff of

Rockcastle county, the term of Milton Hart being about to expire, and the County Court having failed to make any recommendation.

WM. OWSLEY.

January 23, 1845.

Resolved, That the Senate advise and consent to the said appointment.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the nomination of James A. Lee, to be Mayor of the City of Maysville, reported the following resolution thereon, to-wit:

Resolved, That the Senate advise and consent to the said appointment.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred the petition of sundry citizens of Maysville, reported the following resolution thereon, to-wit:

Resolved, That the said petition be rejected.

Which was twice read and concurred in.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to repeal the law dispensing with seals to certain instruments of writing, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act providing for a change of venue in the prosecution pending in the Jefferson Circuit Court, against Paschal D. Craddock, for perjury.

An act to regulate certain duties of Clerks.

An act establishing a chancery and criminal term of the Marion Circuit Court.

Reported the same with amendments to each.

Which were concurred in.

Ordered, That said bills be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charter of the City of Lexington, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Newell and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Fox,	Key,
Carpenter,	Gray,	Marshall,
Chenault,	Hardin,	Rodes,
Crenshaw,	Helm,	Slaughter,
Drake,	Holloway,	South,
Dyer,	Huston,	Taylor,
Field,	James,	Woodson—21.

Those who voted in the negative, were—

Messrs. Ballard,	McElroy,	Swope,
Conner,	Newell,	Wallace,
Gilliss,	Palmer,	Walker,
Harris,	Peyton,	Winfrey—13.
McAfee,		

Resolved, That the title of said bill be as aforesaid.

The following bills were reported, to-wit:

By Mr. Woodson, from the committee on Federal Relations:

A bill to run and re-mark a portion of the boundary line between the States of Kentucky and Tennessee.

By Mr. Slaughter, from a select committee:

A bill to change the time of holding the Larue County Court.

By Mr. Field, from a select committee:

A bill concerning the Northern Bank of Kentucky.

By Mr. Hardin, from the committee on the Judiciary:

A bill giving the City of Covington concurrent jurisdiction with Circuit Judges in case of idiots and lunatics.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Slaughter, from a select committee, reported a bill authorizing the improvement of Capitol Square, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

The question was taken on engrossing and reading the said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and Slaughter, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Fox,	McAfee,
Boyd, A.	Gray,	Rodes,
Boyd, W. P.	Hardin,	Slaughter,

Carpenter,
Conner,
Crenshaw,
Drake,
Dyer,
Field,

Harris,
Helm,
Holloway,
Huston,
Key,
Marshall,

South,
Taylor,
Wallace,
Walker,
Winfrey,
Woodson—27.

Those who voted in the negative, were—

Messrs. Chenault,
Gilles,
James,

McElroy,
Patterson,

Peyton,
Swope—7.

Mr. Hardin, from the committee on the Judiciary, reported a bill allowing an additional Constable to the county of Oldham, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time,

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed.

Resolved, That said bill do pass, and that the title thereof be amended by adding, "and for other purposes."

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Harris—1. A bill for the benefit of Joseph Hammond.

On the motion of Mr. Chenault—2. A bill allowing the Sheriff of Garrard county further time to return his delinquent list of muster fines for the year 1843.

On the motion of Mr. South—3. A bill for the benefit of the Sheriff of Owsley county.

On the motion of Mr. Newell—4. A bill to revive the law to establish the town of Stamping Ground, Scott county, approved January 24, 1834.

The committee on Finance was directed to prepare and bring in the 1st and 3d; the committee on Military Affairs the 2d; and the committee on the Judiciary the 4th.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill providing for the location of the County Seat of Owsley county, reported the same with an amendment.

Mr. South moved to lay the said bill and amendment on the table until the 1st day of February next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ballard and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Hardin,	McAfee,
Boyd, A.	Harris,	McElroy,
Chenault,	Helm,	Palmer,
Conner,	Huston,	Patterson,
Drake,	James,	South,
Dyer,	Marshall,	Winfrey—19.
Gilless,		

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Key,	Swope,
Carpenter,	Newell,	Taylor,
Crenshaw,	Peyton,	Wallace,
Gray,	Rodes,	Walker,
Holloway,	Slaughter,	Woodson—15.

Mr. Walker, from the same committee, reported a bill to authorize the County Court of Campbell to appoint a Collector of the county levy for 1843, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill for the benefit of Richard Bartlett, a Constable of Henry county.

And then the Senate adjourned.

FRIDAY, JANUARY 24, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, to-wit:

An act for the benefit of Mary Ann Fugate, and Thomas Sexton.

Approved January 11, 1845.

An act to revive the act concerning the town of New Liberty, approved 27th February, 1844.

An act for the benefit of Thomas Cross.

An act to legalize the appointment of Benjamin Alsop, Constable of Daviess county.

An act the better to define the western and southern limits of the City of Louisville, and for other purposes.

An act to incorporate the Richmond Female Institute.

An act to provide for a change of venue in the prosecution against Addison, a slave.

An act to allow an additional Justice of the Peace to the county of Trimble.

An act for the benefit of William Berry and wife, of Adair county.

An act for the benefit of David Janes and his wife.

An act to amend the road law in Greenup county.

An act amendatory of the several acts concerning the town of Newport, Kentucky.

An act for the benefit of James Venable, of Shelby county.

An act for the benefit of the heirs and administrator of John Q. Thompson, deceased.

An act for the benefit of the widow and heirs at law of John McElya, deceased.

An act for the benefit of Lois Smallwood.

An act to repeal the first section of an act limiting the number of Justices of the Peace in the county of Wayne, and for other purposes.

An act to authorize the young men of Russellville to have a Thespian Society without licence.

An act for the benefit of Isaac Bolt.

An act to reduce the number of Justices of the Peace in the county of Boone.

An act for the benefit of Stephen M. Farrish, Jailer of Morgan county.

An act to amend an act, entitled, an act to regulate the management of the Wilderness road, and for other purposes, approved March 2, 1844.

An act regulating the precincts of Jefferson county, and for other purposes.

An act for the benefit of Ann M. Prewitt.

An act to establish an additional election precinct in Harlan County.

An act to change the election precinct held at James Butler's, in Adair county, to John S. Coleman's, in said county.

An act for the benefit of L. B. Stark.

An act for the benefit of Edward Lewis, Sheriff of Green county.

An act to change an election precinct in the county of Perry, and for other purposes.

An act allowing an additional Justice of the Peace to the county of Greenup.

An act to legalize the proceedings of the Estill County Court, held in October, 1844.

An act to prevent fraud in the sale of Salt.

An act to incorporate the Trustees of the Tompkinsville Old School Presbyterian Church, in Monroe county.

An act for the benefit of Aquilla Hoskins.

An act for the benefit of Daniel Bailey, and for other purposes.

An act to amend the act incorporating the Maysville Manufacturing Company, and for other purposes, approved March 2, 1844.

An act to allow an additional Constable to Ballard county, and for other purposes.

An act requiring certain duties of the Commissioners of Tax and County Court Clerks before the County Court shall receive the Commissioner's books.

An act for the benefit of George O. Thompson.

An act for the benefit of Hiram Begley.

An act to incorporate the Trustees of the Centre Point Meeting House, in Monroe county.

An act to allow two additional Justices of the Peace to the county of Casey, and for other purposes.

An act for the benefit of the Sheriffs of Graves and Perry counties.

Approved January 22, 1845.

That they had passed a bill from the Senate, entitled, an act permitting James Johnson to erect a mill dam across the Middle Fork of the Kentucky river.

That they had passed bills of the following titles, to-wit:

1. An act to amend an act, entitled, an act to release to Ohio county the interest of the State in the Hartford Bridge Company.

2. An act to amend the road law of Campbell county, and for other purposes.

3. An act to amend an act, approved March 2d, 1844, entitled, an act to regulate the management of the Wilderness road, and for other purposes.

4. An act authorizing the County Court of Daviess to lease a portion of the Public Square in the town of Owensboro'.

5. An act for the benefit of John Allen.

6. An act to amend an act, entitled, an act to amend the charter of the Owingsville and Big Sandy Turnpike Road Company.

7. An act permitting A. Rawlings to erect a mill dam across Licking river.

8. An act authorizing J. Asbeny to build a dam across Main Licking river, and for other purposes.

9. An act for the benefit of John W. Whitaker, Collector of fines in the 21st Regiment of Kentucky Militia.

10. An act for the benefit of the Danville Artillery.

11. An act concerning the town of Versailles.

12. An act to change the place of voting in the Piner precinct, in Kenton county, and for other purposes.

13. An act to establish the Cane Spring precinct, in Madison county, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 2d, 3d, 5th, 6th, 7th, and 8th to the Committee on Internal Improvement; the 9th and 10th to the committee on Military Affairs; the 4th and 11th to the committee on the Judiciary, and the 12th and 13th to the Committee on Privileges and Elections.

1. Mr. Marshall presented the petition of James B. Spratt, who stands indicted in the Green Circuit Court on a charge of perjury, praying for the passage of a law granting him a change of venue.

2. Mr. Marshall also presented the petition of John Barbee, praying for the passage of a law authorizing an improvement at the Lock at the mouth of Muddy river.

3. Mr. Crenshaw presented the petition of John Nell, praying for a divorce from his wife, Frances Nell.

4. Mr. Hardin presented the remonstrance of sundry citizens of the town of Stanford against extending the limits of said town.

5. Mr. Marshall presented the petition of Samuel Hutcheson, praying for the passage of a law allowing him to build a fish trap on Green river.

6. Mr. Gray presented the petition of the widow and heirs of Thomas Henry, deceased, praying for the passage of a law authorizing the sale of certain land belonging to the estate of said decedent.

7. Mr. Marshall presented the petition of Moses Blakeman, praying for the passage of a law establishing a Warehouse on Russell's creek, in Green county.

8. Mr. Woodson presented the petition of J. Steele, praying for the passage of a law giving him further time to collect muster fines for the year 1843.

9. Mr. Taylor presented the petition of Andrew Haydon and George Haydon, executors of Jeremiah Haydon, deceased, praying for the passage of a law authorizing the sale of a certain tract of land belonging to William Haydon, an idiot.

Which were received and referred: the 1st, 6th, and 9th to the committee on the Judiciary; the 2d, 5th, and 7th to the committee on Internal

Improvement; the 3d to the committee on Religion; the 4th to the committee on Propositions and Grievances, and the 8th to the committee on Finance.

The Senate resumed the consideration of a bill for the benefit of Richard Bartlett, a Constable of Henry county.

Said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate of the following titles, to-wit:

An act for the benefit of Constant A. Wilson, of Logan county.

An act providing for a change of venue in the prosecution against Joseph N. Allen.

Approved January 22, 1845.

Mr. Rodes, from the committee on Religion, to whom was referred the petitions of Mark Whitaker, Henry Perkins, and William Rose, praying for divorces, reported the following resolution thereon, to-wit:

Resolved, That said petitions be rejected.

Which was twice read and concurred in.

Mr. Rodes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Jane Cox, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the Campbell Turnpike Road Company, reported the same without amendment.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

On the motion of Mr. Dyer, the committee on Internal Improvement was discharged from the further consideration of a bill from the House of Representatives, entitled, an act to facilitate the collection of water rents upon Green and Barren rivers, and the said bill was referred to the committee on the Judiciary.

Mr. Dyer, from the committee on Internal Improvement, reported a bill to amend the charter of the Glasgow and Scottsville Turnpike Road, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,
Ordered, That said bill be engrossed and read a third time.

The following bills were reported, to-wit:

By Mr. Crenshaw, from the committee on the Judiciary:

A bill for the benefit of the heirs of William Johnson, deceased.

By Mr. Walker, from the committee on Propositions and Grievances:

A bill to change the county line of Washington and Marion county.

By Mr. Dyer, from the committee on Internal Improvement:

A bill for the benefit of C. J. Blackburn.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harris presented the memorial of Samuel May, relative to work and labor done on the State road from Muhlenburg by the way of Prestonburg to the Virginia line, and asking compensation therefor, which was received and referred to the committee on Internal Improvement.

Bills from the House of Representatives, of the following titles, were severally read a third time, to-wit:

1. An act for the benefit of Fanny Beal and Susannah McGarey.

2. An act divorcing Charles S. Graham.

3. An act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties.

Ordered, That said bill be read a second time.

The constitutional rule as to the second reading being dispensed with, they were referred: the 1st to the committee on Propositions and Grievances; the 2d to the committee on Religion; and the 3d to the committee on Finance.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Rodes—1. A bill to explain the law in relation to joint obligations.

On the motion of Mr. Taylor—2. A bill to legalize the proceedings of the courts held for the assessment of fines by the 17th and 36th Regiments of Kentucky Militia, in the month of October, 1844.

On the motion of Mr. Swope—3. A bill for the benefit of Hervey Jones, and for other purposes.

On the motion of Mr. Chenault—4. A bill concerning the 13th Brigade, Kentucky Militia.

The committee on the Judiciary was directed to prepare and bring in the 1st and 3d; and the committee on Military Affairs the 2d and 4th.

On the motion of Mr. James,

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety and expediency of passing a general law, providing as far as practicable for all cases hereafter granting a change of venue in criminal cases.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act to allow an additional term to the Lincoln County Court, and an additional Justice of the Peace to Lincoln county,

An act for the benefit of John Wiggins Flora.

An act for the divorce of Eliza Jane and Oscar Roberts, and to change the name of said Eliza Jane, to that of Eliza Jane Chenowith.

An act for the benefit of Lucy G. Cocke and her children.

An act to establish a Library Association at Newport, Kentucky.

An act for the benefit of William B. Carlisle and Archy S. Lewis, deputies for Samuel Faulkner, late Sheriff of Green county.

An act to amend an act, entitled, an act to amend the laws regulating the management of the Wilderness road and Madison Fork, and to amend and reduce into one the several acts incorporating the Oakland Turnpike Road Company, approved March 2, 1844.

An act to legalize the proceedings of the 45th Regiment of Kentucky Militia.

And an enrolled bill and resolutions which originated in the Senate of the following titles, to-wit:

An act permitting James Johnson to erect a mill dam across the middle fork of the Kentucky river.

Resolutions relative to the purchase of sites and the erection of Hospitals by the Federal Government, at Louisville and Paducah.

And had found the same truly enrolled.

The said bills and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Mr. Dyer, from the committee on Internal Improvement, reported a bill to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covingtonton and Lexington Turnpike Company, which bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the Senate proceeded to the consideration of the orders of the day.

A bill to modify and change the law of 1833, prohibiting the importa-

tion of slaves into the State for the purpose of merchandise, was referred to the committee of the whole House on the State of the Commonwealth.

The Senate according to the standing order of the day, resolved itself into a committee of the whole House, Mr. James in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. James reported that the committee had, according to order, had under consideration a bill to modify and change the law of 1833, prohibiting the importation of slaves into the State for the purposes of merchandise, and had gone through the same, and directed him to report it to the Senate without amendment.

The said bill is as follows, to-wit:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the citizens of this Commonwealth shall be, and they are hereby privileged, to import into this State, from any one of the States of this Union, any slave or slaves, for their own use: *Provided*, That the person or persons so importing said slave or slaves, shall, within forty days after said importation, make oath or affirmation, before the Clerk of the County Court where said slave or slaves were imported, that said slave or slaves were imported in good faith, for his, their, or her use and private benefit, and not as merchandise or for speculation or sale; and shall, also, make out a true and correct list of said slave or slaves, describing the age, name, color, and sex of said slave or slaves; and shall, also, make an affidavit, and file the same with the Clerk of the County Court, that the said list is true and correct; which list shall be recorded by the Clerk, in his office; which affidavit, with the list aforesaid, and the affidavit appended thereto, shall, for one year thereafter, be sent by the Judge of the Court, before the grand jury, and by them strictly examined, with special charge to ascertain whether the same be true or false; and the Clerk, for recording the affidavits and lists aforesaid, shall receive from the person or persons importing said slave or slaves, the sum of one dollar twenty five cents, as a fee therefor; and the Clerk shall, also, receive and demand, before he records the same, the sum of one dollar and twenty five cents for each slave or slaves so imported, which shall be paid by the Clerk to the Trustee of the Jury Fund.

SEC. 2. *Be it further enacted*, That if any person or persons aforesaid, shall sell within this State, any such slave or slaves, within five years, with a view to evade the provisions of this law, after the said slave or slaves may be imported; shall make any contract during said time, for the sale of said slave or slaves, or shall hire out said slave or slaves for a term of years, with the intent to evade this act, or shall use any device whatever, to evade the same, by hiring, selling, or causing the same to be sold by execution, when the same can be avoided, that the person or persons so acting, shall, for each and every offence, and for each slave so sold or hired, be subject to the penalties denounced by the law of 1833, prohibiting the importation of slaves into this State, recoverable in the same manner as provided for in said act of 1833; and the fact of selling or hiring such slave or slaves, within the said term of five years, shall be deemed conclusive evidence of a violation of this section.

SEC. 3. *Be it further enacted*, That if any person or persons shall buy any such slave or slaves, knowing the same to be imported, within the said term of five years, that he, she, or they, for each slave so purchased, shall forfeit the sum of \$200, recoverable by indictment, or by action of debt, in the name of the Commonwealth, which suit may be brought by the Attorney for the Commonwealth, for the use of the State; and upon conviction, or recovery of the said penalty, it shall be the duty of the Sheriff to collect the same, and account to the Second Auditor therefor, as he does for the Public Revenue; and on his failure to pay over the same, he shall, together with his securities, be liable to the State therefor; and the proceedings shall be had and pursued against him and his securities, as in other cases, as in the case of defaulting Sheriffs.

SEC. 4. *Be it further enacted*, That if any person or persons shall falsely take the oaths prescribed in the second section of this act, shall be deemed guilty of the crime of perjury, and undergo a confinement in the Jail and Penitentiary house of this Commonwealth, for a term of two years.

SEC. 5. *Be it further enacted*, That any slave or slaves, so imported, shall not be subject to be sold under execution within the said term of five years, until all the real and personal estate of the defendant, in the execution, is exhausted by the Sheriff or other officer; and if any person or persons, being a defendant in an execution, shall suffer any such slave or slaves to be sold in the said term of five years, when he has other property sufficient to satisfy the execution or executions against him, or the Sheriff or other officer, shall knowingly sell any such imported slave, when the execution might be satisfied out of real or personal estate belonging to the defendant in the execution, then, in that case, the person or persons, Sheriff or other officer, shall be subjected to a fine of \$200, recoverable as prescribed in the 3d section of this act; and shall be appropriated and accounted for in like manner as the penalty is directed to be accounted for, for illegally importing slave or slaves into this State.

SEC. 6. *Be it further enacted*, That if any person, being the owner of slaves in this Commonwealth, shall import other slave or slaves, as aforesaid, in order to carry on traffic and speculation by the sale and speculation in slaves he has already, and shall, within the said term of five years, go on to sell off and speculate in the old stock of slaves, he, she or they may have, with a view of traffic, that the person or persons so acting, shall be deemed guilty of a violation of the second section of this act, and shall be subject to the penalties thereof; and the same proceedings shall be had in such cases, as is prescribed in other cases as provided for by this act.

SEC. 7. *Be it further enacted*, That all acts or parts of acts coming within the purview of this act, are hereby repealed.

The question being taken on engrossing the said bill and reading it a third time, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. James and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Boyd, A.
Carpenter,

Harris,
Helm,
James,

Peyton,
South,
Wallace,

Conner,
Gilles,
Gray,

Marshall,
McAfee,
McElroy,

Walker,
Winfrey—17.

Those who voted in the negative, were—

Messrs. Bennett,
Boyd, W. P.
Chenault,
Crenshaw,
Drake,
Dyer,
Field,

Fox,
Hardin,
Holloway,
Huston,
Key,
Newell,
Palmer,

Patterson,
Rodes,
Slaughter,
Swope,
Taylor,
Woodson—20.

On the motion of Mr. McAfee, the committee of the whole House, on the State of the Commonwealth, was discharged from the further consideration of a bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth.

The said bill was amended.

Mr. Gray moved to lay it on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. McAfee and Wallace, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Crenshaw,
Gray,

Peyton,
Taylor,

Winfrey—5.

Those who voted in the negative, were—

Messrs. Ballard,
Bennett,
Boyd, W. P.
Carpenter,
Chenault,
Conner,
Drake,
Dyer,
Field,
Gilles,

Hardin,
Harris,
Helm,
Holloway,
Huston,
James,
Key,
Marshall,
McAfee,
McElroy,

Newell,
Palmer,
Patterson,
Rodes,
Slaughter,
South,
Swope,
Wallace,
Walker,
Woodson—30.

And then the Senate adjourned.

SATURDAY, JANUARY 25, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, to-wit:

An act for the divorce of Eliza Jane and Oscar Roberts, and to change the name of said Eliza Jane, to that of Eliza Jane Chenowith.

An act for the benefit of Lucy G. Cocke and her children.

An act to legalize the proceedings of the 45th Regiment of Kentucky Militia.

An act to establish a Library Association at Newport, Kentucky.

An act to allow an additional term to the Lincoln County Court, and an additional Justice of the Peace to Lincoln county,

An act for the benefit of John Wiggins Flora.

An act for the benefit of William B. Carlisle and Archy S. Lewis, deputies for Samuel Faulkner, late Sheriff of Green county.

An act to amend an act, entitled, an act to amend the laws regulating the management of the Wilderness road and Madison Fork, and to amend and reduce into one the several acts incorporating the Oakland Turnpike Road Company, approved March 2, 1844.

Approved January 24, 1845.

And that they had passed a bill, entitled, an act to reduce the salaries of certain officers, and for other purposes.

1. Mr. Holloway presented the petition of sundry citizens of Henderson county, praying for a modification of the Militia system.

2. Mr. Gray presented the petition of John Buckner, Sheriff of Christian county, praying for further time to collect and pay into the Treasury a part of the revenue of said county for the year 1844.

3. Mr. Slaughter presented the petition of sundry citizens of Louisville, praying for the passage of a law to regulate the inspection of salt.

4. Mr. Bennett presented the petition of the County Court of Kenton county, praying for the passage of a law legalizing all the acts of John H. Armstrong, as Surveyor of said county.

Which were received and referred: the 1st to the committee on Military Affairs; the 2d to the committee on Finance; the 3d to the committee on Agriculture; and the 4th to the committee on the Judiciary.

The Senate resumed the consideration of a bill to amend the charter of the Louisville and Elizabethtown Turnpike Company, and the Covington and

Lexington Turnpike Company: the said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Harris,	Patterson,
Boyd, W. P.	Helm,	Slaughter,
Carpenter,	Holloway,	South,
Chenault,	Huston,	Swope,
Conner,	James,	Wallace,
Drake,	Key,	Walker,
Dyer,	McAfee,	Winfrey,
Gilles	Newell,	Woodson—26.
Hardin,	Palmer,	

Those who voted in the negative, were—

Messrs. Boyd, A.	Marshall,	Peyton—5.
Gray,	McElroy,	

Resolved, That the title of the said bill be as aforesaid.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed an enrolled bill which originated in the Senate, entitled, an act permitting James Johnson to erect a mill dam across the middle fork of the Kentucky.

And enrolled resolutions relative to the purchase of sites and the erection of Hospitals, by the Federal Government, at Louisville and Paducah.

Mr. Dyer, from the committee on Internal Improvement, reported a bill authorizing William Read, Ignatius Greenwill and Roderic Terrill to change the location of a fish dam on the Beech Fork.

Mr. Wallace, from the committee on Military Affairs, reported a bill to legalize the proceedings of the Courts of Assessments of the 17th and 36th Regiments of Kentucky Militia, and for other purposes.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed, and the second bill amended,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Linchfield Sharp, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Helm, from the committee on the Sinking Fund, reported the following bills, to-wit:

1. A bill to increase the resources of the Sinking Fund, and to provide for the burning of certain State bonds and coupons.

2. A bill authorizing settlements to be made with the President of the Bank of the Commonwealth, and the Board of Commissioners of the Sinking Fund.

3. A bill prescribing the duties of Agents appointed to sell forfeited lands, and applying the proceeds of sales to the Sinking Fund.

Which were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, the 2d bill was amended, and the 1st and 2d were made the special order of the day, for Monday next, and the 3d was referred to the committee on the Judiciary, and the Public Printer was directed to print 150 copies of the 1st bill for the use of the General Assembly.

Mr. Helm, from the same committee, to whom was referred a bill to abolish the Board of Internal Improvement, the office of 1st Auditor, and for other purposes, reported the same with the opinion of the committee that it ought not to pass.

The Senate then proceeded to the consideration of the orders of the day.

The consideration of a bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, was resumed, and the said bill was further amended.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, John J. Caldwell to be Police Judge of the town of Columbia.

WM. OWSLEY.

January 25th, 1845.

On the motion of Mr. Hardin, the said message was referred to the committee on the Judiciary.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, the following persons to be officers of the Kentucky Militia, to-wit:

Henry O. Nevitte to be Colonel of the 101st Regiment.
J. B. Hancock to be Colonel of the 40th Regiment.
John Power to be Colonel of the 115th Regiment.
Robert Sterritt to be Lieutenant Colonel of the 101st Regiment.
George O. Prouse to be Lieutenant Colonel of the 40th Regiment.
Henry H. Lewis to be Lieutenant Colonel of the 115th Regiment.
Abraham Vanarsdale to be Lieutenant Colonel of the 82d Regiment.
Hiham Wilson to be Lieutenant Colonel of the 23d Regiment.
Richard E. Williams to be Major of the 23d Regiment.
Benjamin C. Allen to be Major of the 82d Regiment.
John B. Bland to be Major of the 4th Regiment.
Samuel Prater to be Major of the 115th Regiment.

WM. OWSLEY.

January 25, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. A. Boyd—1. A bill for the benefit of the Surveyor of Trigg county.

On the motion of Mr. Huston—2. A bill for the benefit of John McDonold.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; and the committee on Finance the 2d.

On the motion of Mr. Bennett, a message was sent to the House of Representatives, requesting leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act to incorporate the Campbell Turnpike Road Company.

And then the Senate adjourned.

MONDAY, JANUARY 27, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to bills from that House, of the following titles, to-wit:

An act for the benefit of Sally B. Booker.

An act for the benefit of Nancy and Robert W. Lowry.

An act providing for a change of venue in the prosecution pending in the Jefferson Circuit Court, against Paschal D. Craddock, for perjury.

An act to regulate certain duties of Clerks.

An act for the benefit of Joseph Howard.

An act to allow an additional Justice of the Peace to Marshall county, and for other purposes.

An act to amend an act, entitled, an act incorporating the town of Bardstown.

An act establishing a chancery and criminal term of the Marion Circuit Court.

An act to amend the road laws of Pendleton county.

That they had disagreed to the amendments proposed by the Senate, to a bill from that House, entitled, an act to allow an additional Justice of the Peace to Barren county, and for other purposes.

That they had passed bills from the Senate, of the following titles, to-wit:

An act to incorporate the Cloverport Seminary.

An act to amend an act approved March 2d, 1844, in relation to Constables.

An act to change the name of Sophiah Jeffries, to that of Sophiah Hancock.

An act to authorize the County Court of Christian county to change the location of a part of the Hopkinsville and Morgantown State Road.

An act to change the name of Sarah Ann Goodwin to Sarah Ann Blakely.

An act to change the place of voting in the Little Fork precinct, in Carter county, to the house of James Boggs, in said county.

An act to amend an act, entitled, an act for the benefit of Merial Deneal, of Spencer county.

An act for the benefit of Margaret J. Singleton.

An act to allow an additional Justice of the Peace to Carter county.

An act authorizing the County Court of Kenton county to change, at certain points, the location of the State road leading from Independence to Covington.

An act to change the times of holding the Muhlenburg and Boyle Circuit Courts.

With amendments to the three bills last named.

And that they had passed bills of the following titles, to-wit:

An act for the benefit of Beverly Robinson.

An act for the benefit of Augustine B. Offutt.

An act for the benefit of Calvin A. Hull, of Kenton county.

An act to authorize a change of venue in the case of James Hildreth.

An act to provide for a change of venue in the prosecution against James Williams.

An act for the benefit of Martha Beard, committee for Martha Ann Beard.

An act for the benefit of Alexander Graham, and others.

An act to amend an act for the benefit of Paulina G. Rodes and her children.

An act to amend the charter of the City of Covington.

An act to incorporate the Trinity Church of Covington.

An act for the benefit of John B. McIlvaine.

1. Mr. Huston presented the petition of sundry citizens of Spencer county, praying for the establishment of an election precinct in said county.

2. Mr. Fox presented the petition of sundry citizens of the town of Stanford, praying for an extension of the limits of said town.

3. Mr. South presented the petition of sundry citizens of Knox and Harlan counties, praying for the formation of a new county out of parts of said counties.

4. Mr. Slaughter presented the petition of sundry citizens of the town of New Haven, Nelson county, praying for the passage of a law authorizing the appointment of an inspector and gauger of whiskey and brandy, &c., at said town.

Which were received and referred: the 1st to the committee on Privileges and Elections; the 2d and 3d to the committee on Propositions and Grievances; and the 4th to the committee on Agriculture.

Mr. Peyton, from the committee on the Penitentiary, made the following report, to-wit:

The committee on the Penitentiary, to whom was referred so much of the Governor's message, as relates to the Penitentiary, its partial destruction by fire, and the unsettled accounts of the late Keeper with the Commonwealth, after a patient and laborious investigation, submit the following report:

The late Keeper of the Penitentiary was appointed under the act, approved February 14th, 1839, entitled, "an act prescribing the duties of Keeper and Clerk of the Penitentiary," by which act a mode was pointed out for a settlement with the said Keeper, for a former term of service, and the State, by the terms of said act, agreed to furnish a capital, to be loaned to said Keeper, the amount of raw materials, stock and manufactured articles, (not however to exceed in value the sum of twenty-five thousand dollars,) then on hand in the Penitentiary, as a fund for the more efficient and profitable management of the Institution, at an interest of six per centum per annum, the interest to be paid semi-annually, to the Commissioners of the Sinking Fund. The act also provides, "that said Keeper shall pay the principal sum for the raw material, stock, manufactured articles, debts and effects, which he shall receive from, and receipt to, the Commissioners of the Sinking Fund for, whenever he shall cease to be Keeper, or leave in the Penitentiary, an equal amount of *raw material, stock, and saleable manufactured articles, at a fair cash wholesale price*, after settling and paying to the State, that part of the profits which shall be coming to the Commonwealth under the provisions of this act; he shall also pay to the Commonwealth, the principal sum for the tools and implements of trade which he shall receive and receipt for, or leave for the Commonwealth, tools and implements of

trade, of an equal *wholesale cash value*, when he ceases to be Keeper: and he shall pay to the Commonwealth, the principal sum for the machinery which he shall receive and receipt for, when he ceases to be Keeper, or leave for the Commonwealth, *machinery fit for the use* of the Institution, of equal wholesale value; and he shall settle with the Commissioners of the Sinking Fund, on the first of December, in each year, and pay over to them the profits which the Commonwealth shall be entitled to under this act: *Provided*, Such profits can be had out of the cash on hand, bills of exchange, or notes; or should the Commissioners of the Sinking Fund, in case such profits cannot be had as aforesaid, be of opinion that they can make a proper disposition of any of the manufactured articles, so as to turn the profits of the State into cash, they shall have the right to do so, but not to take any portion of the raw materials or stock on hand for this purpose."

The act also provides, that the Keeper shall be at liberty to erect in the Institution, any additional machinery he may deem calculated to promote its interest, at joint expense, after obtaining the approbation of the Commissioners of the Sinking Fund. The machinery to be the sole property of the State at the expiration of the time the Keeper might continue in office.

The act gave the Keeper, as a compensation for his services and liabilities in the management of the Institution, an equal moiety of the net profits, after defraying all expenses and expenditures authorized by said act.

The Keeper was required by said act, to take an oath, faithfully and impartially to discharge his duties according to law, and to execute a bond, with five or more securities, to be approved by the Governor, in the penalty of fifty thousand dollars.

This act also provides for the appointment of a Clerk, on behalf of the State, to keep the books and accounts of the Institution; his salary to be twelve hundred dollars per annum, to be paid him by the Keeper, quarterly out of the joint profits of the Institution, and that the "*Clerk shall, in addition, receive ten per cent. on the full annual profit coming to the Commonwealth, over and above five thousand dollars per annum to be paid to the Commonwealth.*" This last provision is a strange one, and badly calculated to aid the security of the State, for the faithful performance of the duties of a Clerk.

The committee have given such of the provisions of the law, under which the late Keeper derived his appointment, as are necessary to a proper understanding of their views in relation to the various subjects of enquiry submitted to them. They will however, remark, that there is no provision in the act before referred to, in regard to a final settlement with the Keeper—no contract as to the manner and by whom a settlement shall be made, but the whole subject is left at large, for the future action and agreement of the contracting parties.

Mr. T. S. Theobald, the late Keeper, took the oath required by law, executed the bond, which was approved by the Governor, and received from the State the loan of twenty five thousand dollars, provided for in said act, also the tools and implements of trade and machinery belonging to the State, amounting together, in value, to the further sum of \$6,176 25. He continued to manage and conduct the Institution, until the 1st day of March, 1844, at which time Messrs. Craig & Henry, the present Keepers, came into office.

Provision for a final settlement with the late Keeper of the Penitentiary is made by the act, approved March 8th, 1843, entitled, "an act to provide

for a final settlement with the present Keeper of the Penitentiary, the election of another Keeper, and for other purposes," as follows:

"That for the purpose of making a final settlement with the present Keeper of the Penitentiary, up to the first of March, 1844, when the time for which he was appointed expires, the raw material, stock, and manufactured articles on hand, shall be valued by two disinterested persons, to be selected by the Commissioners of the Sinking Fund, at the expiration of the present Keeper's term of office; and said valuers shall take an oath before some Justice of the Peace, *faithfully and impartially to value said property, at a fair, wholesale, cash value*, and annex the value to each article thereof, and return the same to the Commissioners of the Sinking Fund, to be by them preserved; and said valuers shall make a complete inventory of the tools and implements of trade in the Penitentiary, and annex the value to each article, and the same shall be compared with the receipt of the Keeper, for the tools and implements of trade which were on hand when he last came into office, now on file in the Auditor's office, and if the same shall fall short of the valuation made in said receipt, the Keeper shall be charged with the deficiency; and if they exceed the valuation in said receipt, the Keeper shall be credited with one half the excess; and it shall be *the duty of the Commissioners of the Sinking Fund, and they are hereby authorized*, to settle with the present Keeper, and to divide the raw materials, stock, manufactured articles, debts, and effects, belonging to the Penitentiary, in which the Keeper and Commonwealth are jointly interested, in such manner as to provide for the payment of the debts, and the return of the twenty five thousand dollars, with interest, which was advanced to the present Keeper, when he was last appointed Keeper, and to divide the profits equally between the Commonwealth and the said Keeper, in accordance with the law under which he became Keeper; the said valuers shall, also, make an inventory of the machinery now on hand, and annex the value to each article, with the view of being handed over to the new Keepers."

Under the provisions of this last recited act, the Commissioners of the Sinking Fund, appointed Messrs. Apperson and Bullock, valuers; the order of the Board is as follows: "*Ordered*, That Richard Apperson and James M. Bullock, be, and they are hereby appointed to *settle* with the present Keeper of the Penitentiary, in pursuance of the first section of the act of March 8th, 1843." This order does not direct the nature of the duties to be performed by these gentlemen, but rather misdirects them. The oath they took under this appointment, does not conform to the oath required by said act, but is materially variant. They received their appointment before the time specified in the act, and the testimony shows they actually performed the larger portion of the labor, in making their valuation and inventories, before the 1st of March, 1844, the time at which they should have been appointed, and when it was contemplated they should enter upon the discharge of their duties.

The committee, without intending to impeach the integrity of those gentlemen, regard their appointment as a misfortune to the State, and their want of the requisite qualification, (as shown by the testimony,) the primary cause of much of the difficulties and embarrassments which have grown up in relation to their action.

It is doubtless true, that the Commissioners of the Sinking Fund believed that those gentlemen would make up their deficiency in knowledge and ex-

perience of the value of the articles they were called upon to estimate, by the aid of practical and experienced men, in the various trades which had been pursued in the Penitentiary, but this expectation was not realized, and their course has proved highly detrimental to the interest of the State; over this the Commissioners of the Sinking Fund could exercise no control and no blame attaches to them on this account.

From the testimony of Mr. Bullock, whose candor and fairness challenged the admiration of the committee, it appears that he accepted the appointment with reluctance; he was fully aware of his want of skill and judgment to do justice to the parties; he had no knowledge of the value of stonework, (which formed the largest item of property,) blacksmith's work, wagon work, materials, or in fact of but few articles he was called upon to value. As to the plan adopted by Mr. Apperson and himself, to arrive at the value of the property, he says, they called upon the Clerk, and examined a former valuation to Mr. Theobald, some years before; sometimes they would consult prisoners in the Institution, who seemed to have the management of the different shops; sometimes they took the amount and value written on the different articles, but in no instance consulted experienced mechanics in the different trades of the establishment. The great amount of stone work, consisting of monuments, tombs, slabs, &c., had each a price marked upon them, and they generally set them down at the price thus marked. In estimating the stone work, he recollects they came to a monument priced at \$1,500; this struck him as greatly too high; a conversation arose between the valuers as to the price; the Keeper was sent for, who promptly attended; he told them it was a *master piece of work*, and fully worth the price marked upon it. The valuers put it down at \$1,250; he says he had no judgment as to the value of this article, and was induced, mainly, by the representations of the Keeper, to make the valuation that was made. He also states that iron and other articles were weighed, lumber measured, and other articles counted ready to their hands, and when no price was marked upon them, lists and prices were readily furnished to them. After he had made the valuation in the Penitentiary, he priced some stone work in Shelbyville, and for the first time, became satisfied that he had valued the stone work too high.

The testimony of Mr. Apperson differs from that of Mr. Bullock, in only a few particulars; we will point out that difference instead of giving his statement at large. He states that there was a young man by the name of Keene, who seemed to be attached to the Institution, who accompanied Mr. Bullock and himself, to point out the articles to be valued. He had with him an inventory, with the prices set down, and when any difficulty arose they consulted him; that they sent for the Keeper several times, to ascertain the value of different articles; that they consulted the Clerk about the quality and saleableness of the stone work, who told them it was a very saleable article, but one that would not do to peddle. The Clerk impressed upon their minds the superiority of the stone work, and this influenced them in its valuation. Both valuers agree that they placed a retail price on the various articles valued by them, and then deducted ten per cent. to reduce them to a wholesale price. Both agree that a large lot of tools, some iron, slabs, &c. were of no value, but they were shown an inventory of similar articles for which the Keeper had given a receipt in 1839, and in consequence of that, they valued them to the State at several hundred dollars.

In this manner an inventory and appraisement was made, amounting to the sum of \$36,231 81. The valuers, without any authority of law, or appointment from the Board of Commissioners of the Sinking Fund, instead of returning their report to the Commissioners of the Sinking Fund, proceeded, as they state, to set apart the portion of the profits of the Institution to which the Keeper appeared entitled by their inventory and valuation.

It is worthy of remark, that the proof strongly conduces to show, that Messrs. Craig & Henry, the newly appointed Keepers, whose interest was greatly concerned in a fair and honest valuation of the Penitentiary property to the State, inasmuch as it was to be handed over to them at the same price, although desiring it, were not present at the valuation.

At the time the present Keepers took possession of the Penitentiary, they executed to the Commissioners of the Sinking Fund, their receipt for the various articles of property, tools, and machinery, contained in the inventory and appraisement of Messrs. Apperson and Bullock, but at the same time, and forming a part of the receipt, entered their protest against the valuation and inventory. These gentlemen, at a subsequent day, about the 25th of March, procured a re-valuation of the same articles to be made, by competent men, of experience and skill. The committee caused those persons to come before them, and from their testimony, in which the committee place entire confidence, the entire value of the property estimated to the State at \$36,231 81, was worth only the sum of \$17,297 63.

The committee are well satisfied that an enormous valuation was imposed upon the State, by the different means exhibited in the testimony, and when we add to all the other circumstances, the vast difference in the valuation, but little doubt remains of the settled determination by those interested, to produce such result.

The Commissioners of the Sinking Fund, who alone were authorized by the act before mentioned, to make a settlement with the late Keeper, declined doing so, upon the ground, that if they did, they would, from the nature of things, be compelled to recognize the inventory and appraisement made by Apperson and Bullock, and adopt it as the basis of the settlement. Up to this moment, there has been no action of the State, or any of its constituted authorities, recognizing or confirming the valuation of these gentlemen. The State is yet entitled to recover from the late Keeper the amount she ought to have under her contract, and no action of hers or of any authority having the power to bind the State, has forfeited her right. The committee would further state, that the evidence shows that some articles, and especially a quantity of hubs, although rotten and of no value, were painted up a short time before the valuation, and so deceived the valuers, that they estimated them as a good article. In another instance, the urn of a monument was made of wood, painted and made to resemble stone; during the fire it caught, and was partly destroyed. Mr. Bullock, in his testimony, stated as an indistinct recollection upon his mind, that he had heard this wood spoken of at the time of the valuation, but no abatement was made in the price on that account. The other valuer denied all knowledge of the wood. The proof shows that the late Keeper avoided being present at the time of the valuation, although every facility to arrive at both quantity and price of all the different articles, was always at hand. The monument which the late Keeper represented as worth \$1,500, and to be a master piece of work, is shown to have been a miserable botched job, of inferior ma-

terial, and not worth more than \$300. The proof also shows that tombs were marked and the valuers induced to set them down to the State at \$40, similar articles of which, the late Keeper had sold a few months before at \$16. Slabs were marked and charged to the State at \$25, when the same description of article had, a short time before, been sold at retail at \$10. The proof also shows, that stone work, and especially of the kind found in the Penitentiary, was not a saleable article, the whole sales of the last year, for every description of stone work, did not exceed the sum of \$1,200. That within a short time of the expiration of the late Keeper's term of office, he employed a most unusual number of hands on that description of work; a reference to the amount of stone work reported by the valuers, (\$19,307,) and compared with the other articles on hand, also exhibits this fact. The committee have made a personal examination of a quantity of clothing that is yet in the Penitentiary, which is of scarcely any value, certainly not more than old dirty rags, which was valued to the State at nearly the price of new articles. The bedding of the convicts was very indifferent, but is valued to the State at a high price. We might go on with a detail of the various circumstances which has riveted an abiding conviction on our minds, of the great wrong perpetrated on the State, but as we have caused the evidence to be taken down, which accompanies this report, we deem it unnecessary to do so.

Whether the State, under all the circumstances, is responsible to the late Keeper, for the actual value of the property left in the Penitentiary, as it was not of the description contemplated by the contract, is a question we will not decide; but as the property was not delivered over to the State, and accepted by her under the contract, we are at a loss to know upon what principle she can be held liable, even to that extent. The present Keepers are doubtless liable to the late Keeper for the fair value of the property left in the Penitentiary and used by them, or by their carelessness suffered to be destroyed.

An examination of the report of the valuers under the act of March 8th, 1839, shows that the State had only, of the articles required by the act to be set apart as a fund for the more profitable conduct of the Penitentiary and to be loaned to the late Keeper as such fund, to the value of \$15,484 76; yet it seems that the Commissioners of the Sinking Fund, although they failed to make a settlement with the Keeper as required by law, surrendered up to said Keeper his bond, given for money loaned him by the State for \$6,000, with its interest, amounting, in the aggregate, to the sum of \$8,029 34, and had a credit entered on the books of the Penitentiary in favor of the Keeper for the sum of \$1,485 90, in order to make up the sum of \$25,000. The committee do not desire to censure the Commissioners of the Sinking Fund for this departure from their duty and the injunctions of the law, but only to submit the facts for the consideration of the Legislature, and as additional evidence of the loose manner in which the affairs of this Institution seem to have been conducted.

The committee find, upon examination, that a custom has obtained in the Penitentiary for a long time, to admit slaves for safe keeping. This business was one of great profit to the Institution, but no account has been taken of it on the books, and the State has not received her just proportion of this profit during the time the late Keeper was in office. The annual report of the present Keepers of the Penitentiary, shows that, for about nine months,

the receipts, exclusive of the value of the labor of the slaves, amounted to \$320. We estimate the receipts from this source during the whole period the late Keeper remained in office, from the best evidence we can obtain, to have been at least \$400 per annum; which would amount to the sum of \$4,000; or if for half that period to the sum of \$2,000. This money the State is entitled to her proportion of as much as any other of the profits of the Penitentiary, and should have been accounted for as other profits.

The account of the late Keeper with the Commonwealth, if fairly stated, we believe, would be as follows:

<i>The late Keeper in account with the Commonwealth,</i>		<i>Dr.</i>
To this sum advanced in 1839, to-wit :		
Of raw material, manufactured articles, &c., as per receipt on file in First Auditor's office, - - - - -		\$15,484 76
To amount of bond for money loaned you by the State prior to 1839, and interest up to 27th February, 1839, - - - - -		8,029 34
To credit entered in your favor on the books of the Penitentiary, - - - - -		1,485 90
To one half of the profits derived from negroes received into the Penitentiary for safe keeping, and interest on the same, - - - - -		2,539 00
To inventory of tools and implements of trade left in your hands in 1839, - - - - -		4,461 25
Machinery left in your hands in 1839, - - - - -		1,715 00
		<hr/>
		\$33,715 25
		<hr/>
		<i>Cr.</i>
By value of tools and implements of trade left in the Penitentiary on 1st March, 1844, as ascertained by Needham, Glover, &c., and shown by the proof taken by the committee, - - - - -		\$2,858 80
By value of machinery, - - - - -		1,380 50
By actual value of manufactured articles, stock, &c., as shown by the testimony of Joel Scott, Needham, Glover, and others, - - - - -		13,058 33
		<hr/>
		\$17,297 63
		<hr/>

Which leaves a balance due the State of \$29,475 95 exclusive of the valuation of the manufactured articles, stock, &c., estimated at their fair value, and inclusive of all these articles, there will be still due the State, \$17,297 63. This latter sum is the difference in the actual value of the property left in the Penitentiary, including the sum of \$2,539 not accounted for by the late Keeper, the State's moiety of the profit derived from the receipt of slaves in the Penitentiary, and the valuation of the property made by Messrs. Apperson and Bullock.

The committee have been unable to ascertain whether regular settlements have been made of the accounts of the late Keeper of the Penitentiary each year, as required by law: no evidence of the fact exists in the proper office. They recommend the appointment of suitable persons to ex-

amine and settle the books of the Institution for the whole time the late Keeper remained in office, to report to the next General Assembly. This duty it was impossible for the committee to perform in the limited time they could devote to the subject, amid their other duties during the session of the Legislature.

After a strict and laborious investigation, we are unable to arrive at a satisfactory conclusion as to the manner of the destruction of the Penitentiary buildings by fire. We caused all such persons as we believed could shed light upon this subject, to come before us, and committed their testimony to writing, which accompanies this report. There seems to be but little doubt that the buildings were destroyed by design, but who the guilty agent was, it is difficult, if not impossible, to determine. At the time the buildings were destroyed the Keepers suffered several convicts to remain during the night out of their cells and in the yard where the buildings were situated. They had access to a room where a stove was situated, in which the remains of the fire during the day had been left; and at the same time there was confined in one of the rooms of the building in which the fire originated, some female slaves, one of whom was sick; and they had in their possession a lighted candle. This room was weather-boarded, but not sealed, had a loose loft laid over head, in which was a quantity of hackled shucks, prepared for mattresses, and other combustible materials. The fire might have been communicated from this room without difficulty. There seems to be no doubt but that the fire did not originate from the stove-pipe. The fire originated in the loft which contained the shucks, and in that part of the building immediately above that room.

The custom of permitting convicts to remain in the yard and have access to the shops, seems to have prevailed with the late as well as the present Keepers; and the custom of admitting slaves into the Penitentiary for safe keeping, to have been of long continuance. Both of these customs, in the opinion of the committee, ought never to have obtained and were highly imprudent—their recurrence ought to be provided against by law. The latter custom is subversive of the objects of the Institution, and at all times dangerous to its safety; and the first should never be indulged, unless necessary for the health of the convicts.

We have no means of ascertaining, satisfactorily, the value of the buildings destroyed, but suppose it would amount to \$10,000. The loss estimated to have been sustained, exclusive of the buildings, is furnished in the annual report of the Keepers, and stated to be \$22,355 97; of which sum is included, stock, &c., received from the late Keeper, \$10,565 87; tools, &c., \$3,275 88, and machinery, \$2,120.

The committee have made no satisfactory examination of the estimate made of the value of the new cells, although they believe it ought to be done before any definite action is taken by the Legislature on that subject.

We have examined, in person, and consulted the opinions of competent men in regard to the price agreed to be paid for the erection of the new building in the Penitentiary, and are of the opinion it is reasonable, and the building well calculated for the purposes for which it is designed.

The Blacksmith's shop now in use in the Penitentiary, immediately adjoins the new building, and greatly endangers its safety. The shop is old and of little value, and ought to be immediately removed.

The buildings now in the Penitentiary are insufficient to carry on its

business. The necessity now exists for the erection of others; this, however, should be done out of the resources of the Penitentiary, and should not be a charge upon the Treasury. The plan and arrangement of the necessary buildings, and contracts for their erection, might be made by the Governor.

The committee instituted strict enquiry into the condition of the Penitentiary at the time it was delivered over by the late Keeper. The evidence on that subject, also accompanies this report, and satisfactorily establishes, that the necessary cleanliness of the establishment was much neglected by the late Keeper immediately preceding the expiration of his term of office, and when received by the present Keepers, was in the condition described in the report of the Visitors. Flees are incident perhaps to such establishments, but the great accumulation of these vermin at the time mentioned in that report, could only have arisen from neglect.

The committee would suggest the more frequent attention of the Visitors, and the propriety of vesting them, by law, with the power to revise the police of the establishment and remove nuisances. In other respects it appears that during the whole official term of the late Keeper, he treated the prisoners with humanity, and seemed, at all times, to regard their health and comfort appropriate to their condition. The present Keepers appear to at least equal their predecessor in all things pertaining to the comfort and health of the convicts, and afford evidence of a disposition to improve the police of the Institution.

The committee were struck with a barbarous and wholly unnecessary custom which prevails, of indiscriminately shaving one half the heads of the convicts, and would suggest, that this custom ought to be discontinued, except when used as a punishment. The clothing of the convicts being of a different *stripe* from any thing worn by the citizens generally, would be a much more certain means of their detection if they should escape from the prison, than the shaving of the head, which is so easily concealed. The custom, too, is severe and cruel, and must be, in the nature of things, injurious to their health.

The following resolution and bill is submitted, and is necessary to carry out the views of the committee.

Resolved, That the Attorney General be, and he is hereby directed, forthwith, to institute, in the General Court of this Commonwealth, a suit in chancery against Thomas S. Theobald, the late Keeper of the Penitentiary, and his sureties, for a final settlement of the accounts of said Keeper with the Commonwealth, and the recovery of whatever sum of money the Commonwealth may be entitled to.

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Mr. Peyton, from the same committee, reported a bill providing for a final settlement with the late Keeper of the Penitentiary, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the Public Printer was directed to print 150 copies of the said bill for the use of the General Assembly.

The Senate resumed the consideration of a bill to abolish the Board of Internal Improvement, the office of 1st Auditor, and for other purposes, which was discussed for some time, when the orders of the day were taken up.

The consideration of a bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, was resumed.

The second section of the said bill is as follows, viz:

SEC. 2. That all accounts in relation to the School Fund, shall, hereafter, be kept in the Second Auditor's Office, in a separate book, to be provided for that purpose, who shall report the same in his annual report to the Legislature; and all sums of money which shall become due from the funds set apart by the State for Common Schools, shall be paid into the Treasury of this State, as other revenue, there to be kept and reserved for the benefit of said *schools*, which shall be drawn for by the Superintendent, under the direction of the Board of *Education*, as the same may be needed for distribution to the School Commissioners in the several counties, for the benefit of such as may, from time to time, be regularly organized, and shall appear to have kept schools as required by this act; and any *surplus* which may be due, from year to year, the Board of Education shall invest in State Bonds or other safe Stocks, yielding at least six per cent., as often as the same can be disposed of under the advice of the Governor.

Mr. Helm moved to amend the said section by inserting after the words "*schools*," printed in italics, the words "ten thousand dollars of which shall be drawn," and by inserting after the word "*Education*," also printed in italics, the words "for the year 1845," and by striking out all the section after the word "*surplus*," printed in italics, and inserting in lieu thereof, the words "shall be paid to the order of the Commissioners of the Sinking Fund, to meet the interest on the State debt for the year 1845."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Palmer and McAfee, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Crenshaw,	Holloway,	Walker,
Gray,	McElroy,	Winfrey,
Hardin,	Peyton,	Woodson—10.
Helm,		

Those who voted in the negative, were—

Messrs. Ballard,	Dyer,	Newell,
Bennett,	Gilless,	Palmer,
Boyd, A.	Harris,	Patterson,
Bradford,	Huston,	Slaughter,
Carpenter,	Key,	South,
Chenault,	Marshall,	Swope,
Conner,	McAfee,	Wallace—22.
Drake,		

A bill from the House of Representatives, entitled, an act to incorporate the Campbell Turnpike Road Company, having been returned to the Senate,

On the motion of Mr. Swope, the vote by which the said bill was disagreed to, was re-considered, and it was re-committed to the committee on Internal Improvement.

And then the Senate adjourned.

TUESDAY, JANUARY 28, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act for the benefit of Linchfield Sharp.

That they had passed bills from the Senate, of the following titles, to-wit:

An act for the benefit of Foster Ray, of Marion county.

An act for the benefit of William A. Robards and others.

An act for the benefit of the widow of James C. Ashbrooke, deceased, of Boone county.

An act supplemental to an act, entitled, an act to establish the county of Fulton.

An act to amend an act, entitled, an act to amend an act to incorporate the Western Baptist Theological Institute of Covington, approved 2d February, 1841.

An act to incorporate the Bardstown Female Seminary.

An act to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county.

An act to run and re-mark a portion of the boundary line between the States of Kentucky and Tennessee.

An act to regulate the terms of the Spencer Circuit Court.

An act for the benefit of certain school districts in the counties of Fayette and Adair.

An act to authorize the Surveyor's books of Henderson county to be transcribed.

An act to legalize the proceedings of the 115th Regiment of Kentucky Militia.

An act to change the time of holding the Larue County Court.

With amendments to the five last named bills.

That they had passed bills of the following titles, to-wit:

An act authorizing the appointment of a Police Judge of the town of Burksville, and for other purposes.

An act for the benefit of the children of Henry O. Byers.

An act to incorporate the St. Cecelia Musical Society.

An act for the benefit of William Pryor.

An act to regulate the time of holding the Rockcastle County Court, and for other purposes.

An act further to regulate the Fire Company in Shelbyville.

An act to amend an act, entitled, an act to incorporate the town of Smithland, and for other purposes, approved March 8, 1843.

An act to amend the bail law in civil cases.

An act supplemental to an act, approved January 14, 1845, for the benefit of the Methodist Episcopal Church in Elkton.

An act prescribing the duties of Surveyors.

An act requiring the Clerks of the General Court and Louisville Chancery Courts to perform certain duties.

An act amendatory of the several acts regulating the settlement of the accounts of guardians, and for other purposes.

An act providing for a change of venue in the prosecution against Morton Pennington.

An act to continue the place of voting at the house of Benjamin E. Garnett, in the town of Landing.

An act for the benefit of the Sheriff of Meade county.

An act to change the 8th and 18th Judicial Districts.

The Speaker laid before the Senate the Annual Report of the Public Librarian, which is as follows, to-wit:

LIBRARY ROOM,
Frankfort, January 27, 1845. }

SIR: You will please lay before the honorable House, over which you preside, the accompanying report, which contains all the books received and purchased for the Public Library for 1844, and books distributed.

Yours, respectfully,

G. A. ROBERTSON, P. L.

Hon ARCHIBALD DIXON,

Speaker of the Senate:

[For the Report—see *Legislative Documents*.]

1. Mr. Newel presented the petition of sundry citizens of Harrison county, praying for the passage of a law establishing an additional election precinct in said county.

2. Mr. Bradford presented the petition of Nicholas Long, praying for the passage of a law confirming the action of the Scott County Court ordering a road to be closed.

Which were received and referred: the 1st to the committee on Propositions and Grievances; and the 2d to the committee on Internal Improvement.

On the motion of Mr. James,

Ordered, That a message be sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate, to a bill from that House, entitled, an act for the benefit of John Reynolds.

And Mr. James was directed to carry said message.

The Senate resumed the consideration of a bill to abolish the Board of Internal Improvement, the office of 1st Auditor, and for other purposes.

An amendment was offered to the said bill.

Mr. Fox moved to lay the said bill and amendment on the table until the 1st day of February next.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Field,	Rodes,
Boyd, W. P.	Fox,	Taylor,
Bradford,	Gilless,	Wallace,
Chenault,	Helm,	Walker,
Conner,	Holloway,	Winfrey,
Crenshaw,	Key,	Woodson—20.
Dyer,	McElroy,	

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	Newell,
Boyd, A.	Huston,	Patterson,
Carpenter,	James,	Peyton,
Drake,	Marshall,	South,
Gray,	McAfee,	Swope—16.
Hardin,		

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Kenzea Stone to be Colonel of the 14th Regiment.

Baird Sterritt to be Colonel of the 128th Regiment.

John Cunningham to be Lieutenant Colonel of the 14th Regiment.

Thomas Hale to be Lieutenant Colonel of the 128th Regiment.

Victor M. Kenney to be Major of the 14th Regiment.

James Speaks to be Major of the 128th Regiment.

WM. OWSLEY.

January 28, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the nomination of John J. Caldwell to be Police Judge of the town of Columbia, reported the following resolution thereon, to-wit:

Resolved, That the Senate advise and consent to the said appointment.

Which was concurred in.

Mr. Hardin, from the same committee, to whom was referred the petition of James H. Hereford, and the petition of sundry citizens of Carroll county, relative to the ferry across the Kentucky river at Carrollton, reported the following resolution thereon, to-wit:

Resolved, That the said petitions be rejected.

Which was concurred in.

Mr. Hardin, from the same committee, reported the following bills, to-wit:
A bill for the benefit of the heirs of James B. Ewers, deceased.

A bill for the benefit of Daniel P. White, and the heirs of John Y. Taylor, deceased, and Pleasant H. Williams.

A bill for the benefit of Burr Harrison, and the infant heir of Elizabeth H. Bain, deceased.

A bill to revive the act incorporating the Union White Sulphur Spring Company, approved 11th February, 1836.

A bill to incorporate a College in the county of Union, styled the Henry Clay Institute.

A bill for the benefit of the sureties of James H. McKee.

A bill for the benefit of Marietta H. Estis and her children.

A bill to amend an act concerning the appointment of Trustees of the town of Port Oliver, in Allen county.

A bill for the relief of the heirs and legal representatives of John Kek, deceased.

A bill for the benefit of the heirs of John W. Wooldridge, deceased.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

Mr. Hardin, from the same committee, to whom was referred bills of the following titles, to-wit:

1. A bill giving to the Falmouth Bridge Company further time to receive subscriptions of stock, and to complete said bridge.

2. A bill providing a remedy against wilful trespassers on real estate, Reported the same with amendments to each, which were concurred in.

Ordered, That said bills be engrossed and read a third time.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to incorporate the Trustees of the Sharon Presbyterian Church, in Bracken county.

An act for the benefit of the widow and heirs of Morris Tudor, deceased.

An act authorizing the County Court of Daviess to lease a portion of the Public Square in the town of Owensboro'.

An act concerning the town of Versailles.

An act for the benefit of Stephen Atherton.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act granting a change of venue to Henry Huffman, reported the same with an amendment, which was disagreed to.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Gray, from the same committee, reported a bill for the benefit of the heirs of Thomas Henry, deceased.

And Mr. Patterson, from the same committee, reported a bill to extend the jurisdiction of the Trustees of the town of Princeton, in Caldwell county.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Peyton, from the same committee, to whom was referred a bill prescribing the duties of the Agents appointed to sell forfeited lands, and applying the proceeds of sales to the Sinking Fund, reported the same with an amendment, which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Hardin, the committee on the Judiciary was discharged from the duty of preparing and bringing in a bill further to regulate the proceedings in the Louisville Chancery Court, and Messrs. Field, Helm and Fox were appointed a committee to prepare and bring in said bill.

And then the Senate adjourned.

WEDNESDAY, JANUARY 29, 1845.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

1. An act to amend an act, entitled, an act to incorporate the town of Lancaster, approved February 23, 1837, and for other purposes.

2. An act providing a change of venue to Tarlton Boren.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred to the committee on the Judiciary.

1. Mr. Rodes presented the petition of Robert C. Rogers, and others, praying for the passage of a law to regulate and fix the charges on coal, salt, lumber, &c., landed at his depot, on the Kentucky river.

2. Mr. Carpenter presented the petition of David Gowyer and James M. Webb, praying for the passage of a law authorizing them to build a water grist mill on the shoal of Nolin, at the mouth of two mile creek.

3. Mr. Hardin presented the petition of Elizabeth Northem, praying for the passage of a law changing the name of William Henry Rice to that of William Henry Miller.

4. Mr. Bennett presented the petition of sundry citizens of Covington, praying for the passage of a law to incorporate a Company to build a bridge across the Ohio river.

5. Mr. Ballard presented the petition of Jonathan Harding, executor of

Ronly Harding, deceased, praying for the passage of a law authorizing certain slaves to remain in this State, which, by the will of said Ronly Harding were directed to be conveyed to Liberia.

6. Mr. Field presented the petition of William Adams and Francis Snowden, committee of Nancy Adams, a lunatic, praying for the passage of a law authorizing the sale of her interest in the tract of land left by her father, and also her dower interest in the tract left by her husband.

7. Mr. McElroy presented the petition of Narcissa Ashby, praying for the passage of a law authorizing the sale of some real estate.

8. Mr. McElroy also presented the petition of sundry citizens of Crittenden county, praying for the establishment of an election precinct in said county.

9. Mr. Harris presented the remonstrance of sundry citizens of Morgan county, against any division of said county, for the purpose of making a new county or for any other purpose.

Which were received and referred: the 1st to a select committee of Messrs. Rodes, South and Taylor; the 2d to the committee on Internal Improvement; the 3d, 4th, 5th, 6th and 7th to the committee on the Judiciary; the 8th to the committee on Privileges and Elections; and the 9th to the committee on Propositions and Grievances.

On the motion of Mr. Walker, leave was given to withdraw the petition and documents relative to the location of the County Seat of Owsley county.

And on the motion of Mr. South, the remonstrances in relation thereto were withdrawn.

Mr. Field, from the joint committee on Banks, made the following report, to-wit:

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Mr. Key having obtained leave, reported a bill concerning the town of Augusta, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported from the committee on the Judiciary, to-wit:

By Mr. Patterson—A bill for the benefit of the estate of Charles H. Webb, deceased.

By Mr. Hardin—A bill for the benefit of the heirs of Susan B. Collins, and the heirs of Nancy Whitesides, deceased.

A bill to change the name of William Henry Rice, of Boyle county, to that of William Henry Miller.

A bill to authorize the Trustees of the town of Breathitt to change an alley in said town.

A bill for the benefit of Henry Jones.

By Mr. Peyton—A bill to place a part of the State road leading from Princeton to Centreville, in Caldwell county, under the power of the County Court of said county.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, reported a bill concerning joint obligors, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was placed in the orders of the day.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the law in relation to chancery proceedings, as to facilitate the preparation and trial of chancery causes, reported the same with amendments.

Mr. Peyton moved to lay the said bill and amendments on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Swope and Wallace, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Huston,	Patterson,
Boyd, A.	James,	Peyton,
Chenault,	Key,	Slaughter,
Conner,	McAfee,	Taylor,
Crenshaw,	McElroy,	Wallace,
Hardin,	Newell,	Walker,
Helm,	Palmer,	Winfrey—21.

Those who voted in the negative, were—

Messrs. Ballard,	Gray,	Rodes,
Boyd, W. P.	Harris,	South,
Dyer,	Holloway,	Swope,
Field,	Marshall,	Woodson--13.
Gilless,		

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act providing for a change of venue in the prosecution pending in the Jefferson Circuit Court, against Paschal D. Craddock, for perjury.

An act for the benefit of Jane Cox.

An act to amend the charter of the City of Lexington.

An act for the benefit of Linchfield Sharp.

An act to amend an act, entitled, an act incorporating the town of Bardstown.

An act to allow an additional Justice of the Peace to Marshall county, and for other purposes.

An act for the benefit of Nancy and Robert W. Lowry, Jr.

An act establishing a chancery and criminal term of the Marion Circuit Court.

An act to regulate certain duties of Clerks.

An act to amend the road laws of Pendleton county.

An act for the benefit of Sally B. Booker.

An act for the benefit of Joseph Howard.

And enrolled bills which originated in the Senate, of the following titles, to-wit:

An act supplemental to an act, entitled, an act to establish the county of Fulton.

An act to run and re-mark a portion of the boundary line between the States of Kentucky and Tennessee.

An act to incorporate the Bardstown Female Seminary.

An act to amend an act approved March 2d, 1844, in relation to Constables.

An act to change the name of Sophia Jeffries, to that of Sophia Hancock.

An act to authorize the County Court of Christian county to change the location of a part of the Hopkinsville and Morgantown State Road.

An act to change the name of Sarah Ann Goodwin to Sarah Ann Blakely.

An act for the benefit of William A. Robards and others.

An act for the benefit of Foster Ray, of Marion county.

An act to amend an act, entitled, an act to amend an act to incorporate the Western Baptist Theological Institute of Covington, approved 2d February, 1841.

An act for the benefit of the widow of James C. Ashbrooke, deceased, of Boone county.

An act for the benefit of Margaret J. Singleton.

An act to incorporate the Cloverport Seminary.

An act to change the place of voting in the Little Fork precinct, in Carter county, to the house of James Boggs, of said county.

An act to amend an act, entitled, an act for the benefit of Merial Deneal, of Spencer county.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Mr. Harris read and laid on the table the following resolution, to-wit :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint resolution passed, fixing on the 1st day of February next, as a day for the final adjournment of the present Legislature, be, and the same is hereby recinded, and that this Legislature will, with due dispatch, proceed to finish the Legislative business of the country, and adjourn at as an early a day as practicable.

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Knox and Harlan counties, for a new county, reported the following resolution thereon, viz :

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Walker, from the same committee, to whom was referred the petition of sundry citizens of Morgan county, praying that a part of said county may be added to Johnson county, reported the following resolution thereon, to-wit :

Resolved, That the said petition be rejected.

Mr. Conner moved to amend the said resolution by striking out "be rejected," and inserting in lieu thereof "is reasonable."

The question being taken on the adoption of the said amendment, it was decided in the negative, and so the said petition was rejected.

Mr. Walker, from the same committee, reported a bill for the benefit of the Surveyor of Trigg county.

Also, a bill to allow an additional Justice of the Peace and Constable to Letcher county.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill establishing an ad-

ditional election precinct in Harrison county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title be amended to read, an act establishing additional election precincts in Harrison and Crittenden counties.

Mr. Walker, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Fanny Beal and Susannah McGarey, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Drake—1. A bill to give judicial sales to Sheriffs.

On the motion of Mr. Conner—2. A bill for the benefit of Samuel K. Friend, of Floyd county.

On the motion of Mr. Bennett—3. A bill to amend and act, entitled, an act the better to protect the proprietors of ferries across the Ohio river, approved February 29, 1836.

On the motion of Mr. Rodes—4. A bill to amend the charter of the City of Lexington.

Messrs. Drake, Chenault and Harris were appointed a committee to prepare and bring in the 1st; the committee on the Judiciary was directed to prepare and bring in the 2d and 4th; and Messrs. Bennett, Hardin and James were appointed a committee to prepare and bring in the 3d.

Mr. Helm, from the committee on the Sinking Fund, reported a bill prescribing the duties of the Board of Commissioners of the Sinking Fund, and directing that all moneys set apart to constitute a Sinking Fund shall be paid into the Treasury, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was made the special order of the day for Friday, the 31st inst., and the Public Printer was directed to print 150 copies thereof for the use of the General Assembly.

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

1. An act to reduce the salaries of certain Officers, and for other purposes.
2. An act for the benefit of Beverly Robinson.

3. An act for the benefit of Augustine B. Offutt.
 4. An act for the benefit of Calvin A. Hull, of Kenton county.
 5. An act to authorize a change of venue in the case of James Hildreth.
 6. An act to provide for a change of venue in the prosecution against James Williams.
 7. An act for the benefit of Martha Beard, committee for Martha Ann Beard.
 8. An act for the benefit of Alexander Graham, and others.
 9. An act to amend an act, entitled, an act for the benefit of Paulina G. Rodes and her children.
 10. An act to amend the charter of the City of Covington.
 11. An act to incorporate the Trinity Church of Covington.
 12. An act for the benefit of John B. McIlvaine.
 13. An act to regulate the time of holding the Rockcastle County Court, and for other purposes.
 14. An act authorizing the appointment of a Police Judge of the town of Burksville, and for other purposes.
 15. An act for the benefit of the children of Henry O. Byers.
 16. An act to incorporate the St. Cecelia Musical Society.
 17. An act for the benefit of William Pryor.
 18. An act further to regulate the Fire Company in Shelbyville.
 19. An act to amend an act, entitled, an act to incorporate the town of Smithland, and for other purposes, approved March 8, 1843.
 20. An act to amend the bail law in civil cases.
 21. An act supplemental to an act, approved January 14, 1845, for the benefit of the Methodist Episcopal Church in Elkton.
 22. An act prescribing the duties of Surveyors.
 23. An act requiring the Clerks of the General, Circuit and Louisville Chancery Courts to perform certain duties.
 24. An act amendatory of the several acts regulating the settlement of the accounts of guardians, and for other purposes.
 25. An act providing for a change of venue in the prosecution against Morton Pennington.
 26. An act to continue the place of voting at the house of Benjamin E. Garnett, in the town of Landing.
 27. An act for the benefit of the Sheriff of Meade county.
 28. An act to change the 8th and 18th Judicial Districts.
- Ordered*, That said bills be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 2d, 3d, 4th and 27th to the committee on Finance; the 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 19th, 20th, 22d, 23d, 24th, 25th and 28th to the com-

mittee on the Judiciary; the 18th to the committee on Propositions and Grievances; the 21st to the committee on Religion; and the 26th to the committee on Privileges and Elections.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Gabriel J. Johnson to be Notary Public for Jefferson county, in place of Richard Wheatly, deceased.

Vechel H. Jones to be Sheriff of Edmonson county, in place of H. Rown-tree, resigned.

WM. OWSLEY.

January 29, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Mr. A. Boyd, from the committee on Religion, to whom was referred a bill from the House of Representatives, entitled, an act divorcing Charles S. Graham, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of a bill to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth.

The said bill was amended.

Mr. Helm moved further to amend the said bill by adding to the second section the following proviso, to-wit:

Provided, That no part of the five cent revenue tax, tax on Bank stock, dividends on Northern Bank stock, Kentucky Bank stock, except 735 shares of school stock, Louisville Bank stock, receipts from Turnpike roads, Kentucky, Green and Barren river navigation, proceeds from Bank of Commonwealth, Old Bank of Kentucky, Insurance Offices, Brokers Offices, proceeds of the rent of the Penitentiary, shall be appropriated to, and paid out for school purposes.

Mr. Palmer moved the previous question.

And the question being taken, shall the main question be now put? it was decided in the negative.

The yeas and nays being required thereon by Messrs. Palmer and Huston, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Bennett,
Boyd, A.

Fox,
Gilles,
Huston,

Newell,
Palmer,
Patterson,

Boyd, W. P.
Conner,
Drake,

Key,
Marshall,
McAfee,

South,
Wallace—17.

Those who voted in the negative, were—

Messrs. Bradford,
Chenault,
Crenshaw,
Dyer,
Field,
Gray,
Hardin,

Harris,
Helm,
Holloway,
James,
McElroy,
Peyton,

Rodes,
Swope,
Taylor,
Walker,
Winfrey,
Woodson—19.

The question was then taken on the adoption of the amendment moved by Mr. Helm, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. McElroy and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bradford,
Chenault,
Crenshaw,
Dyer,
Field,
Gray,

Hardin,
Helm,
Holloway,
McElroy,
Peyton,

Rodes,
Taylor,
Walker,
Winfrey,
Woodson—16.

Those who voted in the negative, were—

Messrs. Ballard,
Bennett,
Boyd, A.
Boyd, W. P.
Conner,
Drake,
Fox,

Gilless
Harris,
Huston,
James,
Key,
Marshall,
McAfee,

Newell,
Palmer,
Patterson,
Slaughter,
South,
Swope,
Wallace—21.

The question was taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gray and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,
Bennett,
Boyd, W. P.
Bradford,
Conner,
Drake,
Dyer,
Fox,

Gilless,
Harris,
Huston,
Key,
Marshall,
McAfee,
Newell,

Palmer,
Patterson,
Rodes,
Slaughter,
South,
Swope,
Wallace—22.

Those who voted in the negative, were—

Messrs. Boyd, A.	Hardin,	Peyton,
Chenault,	Helm,	Taylor,
Crenshaw,	Holloway,	Walker,
Field,	James,	Winfrey,
Gray,	McElroy,	Woodson—15.

And then the Senate adjourned.

THURSDAY, JANUARY 30, 1845.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act for the benefit Fayette Posey, of the county of Henderson.

That they had adopted resolutions rescinding the resolution for the final adjournment of the General Assembly, and fixing another day for its adjournment.

That they had passed bills of the following titles, to-wit:

1. An act to change the mode of advertising lands to be sold for taxes.
2. An act to change the venue in the case of John Cook, of the City of Louisville, charged with arson.
3. An act for the benefit of the heirs of Daniel Lyle, deceased.
4. An act to amend the law in relation to the claims of witnesses attending the County Courts.
5. An act to amend the laws concerning the establishment of ferries and mills.
6. An act for the benefit of the heirs of Elizabeth Doris, of Hopkins county.
7. An act to incorporate the Amateur Band of the town of Danville.
8. An act to repeal an act enlarging the powers of the Trustees of the town of Madisonville, and for other purposes.
9. An act to reduce the number of Justices of the Peace and Constables of Adair county, and for other purposes.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st to the committee on Finance; the

2d, 3d, 4th, 5th, 6th, 7th and 8th to the committee on the Judiciary; and the 9th to the committee on Propositions and Grievances.

Mr. Hardin presented the petition of John Tompkins, of Boyle county, praying for the passage of a law permitting him to bring five slaves into this State, which was read and referred to the committee on Propositions and Grievances.

Mr. Fox, from a select committee, appointed for that purpose, made the following report, to-wit:

The committee appointed to investigate and report to the Senate the propriety of the expenditure of \$76,000, in the Bank of America, and to make other enquiries embraced in said resolution, beg leave to report: That they have carefully and diligently investigated this subject—requiring each person examined before the committee, to be first sworn according to law; and after the most thorough scrutiny and examination, they are satisfied, and are unanimously of opinion, that there is nothing wrong or improper in the expenditure of any portion of said money. It appears that \$100,000 of 5 per cent. bonds were issued and sold, under the act approved March 8, 1843, entitled, “an act to amend the charters of the Banks of Kentucky,” the proceeds of which were, by law, to be invested, under certain restrictions, in Kentucky Bank stocks; the sum of \$20,731 75 was so invested in stocks of the Bank of Louisville, and the State became the owner of 231 shares. Said investment was made at from \$88 to \$90 per share; the State being entitled to the approximating dividend on the same, which was about 3 per cent. After which investment, and deducting expenses, there was left on hand, of the proceeds of the sale of said \$100,000 of 5 per cent. bonds, the sum of \$75,518 25, to the credit of Governor Letcher, in the Bank of America, in New York, with authority to John Tilford to check for the same, in case he could make the purchase of stocks—who was appointed by the Governor to purchase stocks.

By an act of the Legislature, approved March 2d, 1844, for the benefit of the Contractors of the Public Works, the Governor was authorized to sell bonds to the amount of \$160,000, to enable the Board of Internal Improvement to discharge the indebtedness of the State to the Public Contractors. By the third section of that act, the right was given to any Contractor to “elect to accept as payment or part payment of his dues from the State, any of the bonds or scrip of the State, at its cash value within the State, not below par.” And in that event, it was made the duty of the Governor to issue the same; and the Contractor receiving said bond or scrip, was required to execute a written release of his claim against the State. By another act, approved on the same day, entitled, “an act supplemental to an act to provide for the payment of Contractors,” the Governor was directed to appropriate any unexpended balance of said \$100,000 of bonds sold, to the payment of Contractors on the Public Works, under the provisions of an act passed the present session, providing for the payment of Contractors, and to the extent that payment shall be so made, the Governor was directed not to sell bonds as directed by the first act. The two acts, approved on the same day, and the latter being supplemental to the first, ought to be construed as one act; and the question arises, what effect the last recited act has on the first. A majority of the committee are clearly of opinion, that the last recited act did not repeal the first, and that it did not take away from the Contractors the right to elect to receive, in discharge of their claims against the State, the bonds mentioned in the first act. The committee are of opinion, that at the time of the passage of this act, the proceeds of the sale of the \$100,000 of State bonds could not be invested in Bank stocks any further than had been, because the price of said stocks exceeded the limitation prescribed by said act. A majority of the committee are

further of opinion, that it was impracticable for the Governor to appropriate the balance of the proceeds of the sale of said bonds, under the last act, in discharge and payment of the Contractors on the public works, because the Board of Internal Improvement could not distribute, *pro rata*, the said sum among the Contractors, and was unwilling to pay part of the Contractors in money, and leave bonds for others; and drew upon the Governor no requisitions to pay in money, and the Governor could not pay without requisitions from the Board. They further report, that all of the Contractors who asserted and established claims, elected to take their claims in the bonds aforesaid, and the requisition was drawn by the Board of Internal Improvement, on Governor Letcher, for bonds, and the Governor, in strict conformity (as he believed, and as a majority of the committee believe,) to the provisions of the first act, approved March 2d, 1844, as aforesaid, issued bonds to said Contractors, to the amount of about \$140,000, according to the requisitions of the said Board.

The committee are informed that a portion of the Contractors have asserted and established their claims during the present administration, and their claims have been discharged in bonds, issued according to the provisions of this act; which exercise of power, a majority of said committee think was very proper, and according to the provisions, spirit and meaning of said act.

By the 22d section of the act approved March 8, 1843, entitled, "an act to amend the charters of the Banks of Kentucky," the Governor was authorized to sell \$1,750,000 of State scrip or bonds, which was retired from the Banks, and to invest the proceeds in the purchase of stocks in the Banks of Kentucky, on certain conditions; the \$100,000 of 5 per cent. bonds was part of this fund, and a portion, as before stated, was invested in stocks of the Bank of Louisville; and the balance, amounting to \$75,518 25, deposited in the Bank of America, in New York.

A majority of the committee are of opinion, that if the proceeds of the \$100,000 of 5 per cent. bonds had been invested in stocks of the Banks of Kentucky, according to the act of March 8, 1843, the stock, the proceeds and dividends thereof, would have been under the control, and subject to the order of the Commissioners of the Sinking Fund, the Governor of Kentucky being one; and that as the Contractors on the Public Works, or all who had presented their claims, had been paid and discharged in bonds, as aforesaid, and the \$75,518 25 remaining in the Bank of America, being the proceeds of said \$100,000 of 5 per cent. bonds, and no law, after the payment of the Contractors, providing for appropriating the same, that it was legitimate and proper for Governor Letcher to transfer the same to the Commissioners of the Sinking Fund, especially as at the time of the transfer, he was about to retire from office; and they report that said transfer was made after consultation with the Commissioners of the Sinking Fund, called together for that purpose, and several legal gentlemen. And a majority think, after the payment of Contractors, said Commissioners were the legitimate holders and proprietors of said fund. The committee are further of opinion, that Governor Letcher made said transfer, as he believed, in pursuance of law. Your committee further report, that the \$75,518 25 was transferred by the check of Governor Letcher, to the Commissioners of the Sinking Fund, on the 21st June, 1844. The July interest on the State's indebtedness to bond holders, and the January interest in 1845, were both paid out of the general fund in the Bank of America, including said sum, without reference to any particular fund. The committee further state, that at the expiration of the term of office of Governor Letcher, there was on hand, with the Commissioners of the Sinking Fund, of available means, the sum of \$83,478 86.

Your committee are unhesitatingly and unanimously of opinion, that the slightest censure ought not, and cannot be attached to either the late or present Governor, or any of the authorities of the State, for the use of said money. They

state that every cent of said money has been faithfully disbursed, and honestly applied in the payment and discharge of the dues of the State, and to maintain and preserve inviolate and unspotted, the faith, credit and honor of the State. They further report, that in the transfer and use of said fund, the State sustained no loss, but made a profit, by saving in interest and exchange.

They further report, that they are of opinion that the State sustained no loss in consequence of the payment of the Contractors in bonds, instead of money.

They further report, that it has been the practice, in paying the interest due by the State, to anticipate the resources of the Sinking Fund, by the use of means belonging to the State; and the committee are of opinion, that in thus anticipating, the Executive has acted prudently and wisely, and to the financial advantage and interest of the State. Governor Letcher, therefore, at the time he gave the information to Governor Owsley, had the right to suppose, as he did think, that the amount of money left by him, had been duly transferred to the Bank of America, where it would be needed to pay the January instalment of interest, and, therefore, that the amount of the proceeds of the 5 per cent. bonds were on hand in the Bank of America, as stated by his successor, in his first special message; and the committee recommend, unanimously, the adoption of the following resolution:

Resolved, therefore, That the unexpended residue of the proceeds of the sale of \$100,000 of 5 per cent. bonds, amounting to the sum of \$75,518 25, has been faithfully, fairly and honestly disbursed, in the payment of liabilities against the State, by which there has been a saving to the State in interest and exchange.

F. T. FOX, *Chairman.*

W. H. FIELD.

J. G. HOLLOWAY.

F. PEYTON.

N. E. GRAY.

Note.—Those who disagree to portions of the report, as therein stated, are Messrs. N. E. Gray and F. Peyton.

The said resolution was unanimously adopted.

On the motion of Mr. Rodes,

Ordered, That the Public Printer print 3000 copies of the said report for the use of the General Assembly.

Mr. Helm, from the committee on the Sinking Fund, made the following report, to-wit:

The Committee on the Sinking Fund intending, at the earliest convenient hour, to submit to the Senate a more extended report, beg leave now to submit the amount of the yearly income of that Fund, together with the yearly amount of interest due and payable to individuals and corporations, with the exchanges and contingent expenses attending the business transactions of the Board of Commissioners of the Sinking Fund, and the amount of interest payable yearly to the Board of Education:

Tax of five cents on each \$100 of taxable property set apart in aid of the Sinking Fund, together with one third of the amount collected from tax on non-residents' lands, may be estimated to amount to an annual average of	-	\$105,000 00
Tax on three Banks,	-	35,105 00
Dividends on 400 shares of stock in Northern Bank,	-	2,800 00

Amount carried forward,	-	-	-	\$142,905 00
-------------------------	---	---	---	--------------

Amount brought forward, -	-	-	-	\$142,905 00
Dividends on \$250,000 State bond stock in Northern Bank,	-	-	-	5,000 00
Dividends on 9,399 shares of stock in Bank Kentucky,	-	-	-	37,596 00
Dividends on 406 shares of stock in Bank of Louisville,	-	-	-	2,436 00
Estimated receipts from turnpike roads, -	-	-	-	20,000 00
Estimated receipts from river navigation, -	-	-	-	25,000 00
Insurance offices, -	-	-	-	400 00
Broker's offices, -	-	-	-	1,000 00

\$234,337 00

Amount of State debt to individuals, - { \$ 615,000 5 per cents.
- { 3,654,000 6 per cents.

Total due individuals, -	-	\$4,269,000	-	-
Amount of annual interest, -	-	-	-	\$250,020 00
To be paid for exchanges and contingent expenses, -	-	-	-	2,650 00
Total interest, -	-	-	-	\$252,670 00
Deduct receipts, -	-	-	-	234,337 00

Amount deficit to pay individuals, -	-	-	-	\$18,333 00
Amount of Education Bonds, -	\$850,000 5 per cents.	-	-	-
Do do	67,000 6 per cents.	-	-	-
Annual interest due thereon, -	-	-	-	\$46,520 00

\$64,853 00

Thus it will be perceived that the annual income of the Sinking Fund is inadequate to meet the interest due to individuals and the Board of Education, by - \$64,853 00

In making the above estimate, the amounts expected from the five cents tax, roads and rivers, exceed the receipts heretofore realized from those sources, by a sum not far from \$8,000. The deficit from the enumerated sources, to pay interest due to individuals, will vary from eighteen to twenty five thousand dollars, annually.

By law, the rent of the Penitentiary, \$5,000, is appropriated to the Sinking Fund. If the money necessary to cover the late accidental losses of that Institution, be appropriated out of the Treasury, from the ordinary revenue, the rent might be relied on. The rent to be paid by the lessees of the Lexington & Ohio Railroad, bring annually, the sum of \$17,000, subject to some small abatement, for contingent expenses, might be made an important item in the accounts of the Sinking Fund. But, by the terms of the lease, the lessees have the alternative to pay the rent in money, or *State securities*. What proportion will be paid in money, will, your committee apprehends, very much depend upon the market value of the State securities at the time of payment. The amount of surplus in the Treasury over \$10,000 is not a reliable source of revenue, the amount being entirely controlled by the annual value of property and expenditures of the Government.

JOHN L. HELM, *Chairman*.

Ordered, That the Public Printer print 150 copies of said report for the use of the General Assembly.

Mr. Patterson asked leave to report a bill from a select committee; objection being made, Mr. Patterson moved to dispense with the rule of the Senate for the purpose of reporting said bill.

The question being taken on said motion, it was decided in the negative, there not being two thirds in the affirmative.

The yeas and nays being required thereon by Messrs. James and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Key,	Rodes,
Conner,	Marshall,	Slaughter,
Crenshaw,	McAfee,	South,
Field,	McElroy,	Swope,
Fox,	Newell,	Wallace,
Gray,	Palmer,	Winfrey,
Hardin,	Patterson,	Woodson—23.
Harris,	Peyton,	

Those who voted in the negative, were—

Messrs. Ballard,	Drake,	Huston,
Bennett,	Dyer,	James,
Boyd, A.	Gilles,	Taylor,
Chenault,	Holloway,	Walker—12.

Mr. Drake, from the committee on Privileges and Elections, reported a bill to establish election precincts in Franklin county.

Mr. Huston, from the same committee, reported a bill to establish an election precinct in Spencer county.

Which bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to continue the place of voting at the house of Benjamin E. Garnett, in the town of Landing.

An act to establish the Cane Spring precinct, in Madison county, and for other purposes.

An act to change the place of voting in the Piner precinct, in Kenton county, and for other purposes.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Huston, from the same committee, made the following report, viz:

The committee on Privileges and Elections have had under consideration the returns from the several Senatorial Districts, and report the following gentlemen elected, to-wit:

From the first Senatorial District, Thomas James; from the second, Hiram McElroy; from the third, Ninian E. Gray; from the fourth, James V. Walker; from the fifth, John G. Holloway; from the sixth, Samuel E. Carpenter; from the seventh, B. Mills Crenshaw; from the eighth, William N. Marshall; from the ninth, Francis H. Winfrey; from the tenth, Parker C. Hardin; from the eleventh, Robert A. Patterson; from the twelfth, Francis Peyton; from the thirteenth, Dillis Dyer; from the fourteenth, John L. Helm; from the fifteenth, William H. Field; from the sixteenth, Camden M. Ballard; from the seventeenth, Walter C. Drake; from the eighteenth, G. Clayton Slaughter; from the nineteenth, Robert C. Palmer; from the twentieth, Robert B. McAfee; from the twenty first, Alfred Boyd; from the twenty second, Fountain T. Fox; from the twenty third, William Chenault; from the twenty fourth, Joseph Gilless; from the twenty fifth, John Wallace; from the twenty sixth, John Bennett; from the twenty seventh, Thomas H. Bradford; from the twenty eighth, Samuel F. Swope; from the twenty ninth, Hugh Newell; from the thirtieth, Mark E. Huston; from the thirty first, William Rodes; from the thirty second, Tucker Woodson; from the thirty third, Samuel M. Taylor; from the thirty fourth, William Conner; from the thirty fifth, Wilson P. Boyd; from the thirty sixth, Marshall Key; from the thirty seventh, Henry C. Harris; from the thirty eighth, Jeremiah W. South.

Your committee find the term of service of Joseph Gilless, Francis H. Winfrey, John Bennett, Samuel E. Carpenter, Robert C. Palmer, Hiram McElroy, Robert B. McAfee, Mark E. Huston, and William Rodes, will expire in the year 1845.

James V. Walker, Dillis Dyer, Walter C. Drake, Alfred Boyd, William Chenault, John Wallace, Thomas H. Bradford, Hugh Newell, Tucker Woodson, and William Conner, in the year 1846.

Ninian E. Gray, Francis Peyton, William H. Field, Camden M. Ballard, G. Clayton Slaughter, Wilson P. Boyd, Marshall Key, Henry C. Harris, and Jeremiah W. South, in the year 1847.

Thomas James, John G. Holloway, B. Mills Crenshaw, William N. Marshall, Parker C. Hardin, Robert A. Patterson, John L. Helm, Fountain T. Fox, Samuel F. Swope, and Samuel M. Taylor, in the year 1848.

All which is respectfully submitted.

MARK E. HUSTON, *Chairman*.

Mr. Huston, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act the better to protect the purity of elections, reported the same without amendment.

Ordered, That said bill be committed to a committee of the whole House, on the State of the Commonwealth, and made the special order of the day for to-morrow.

A bill providing for a final settlement with the late Keeper of the Penitentiary, and for other purposes, was made the special order of the day for Saturday next.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to change the place of voting in the Little Fork precinct, in Carter county, to the house of James Boggs, of said county.

An act to amend an act, entitled, an act for the benefit of Merial Deneal, of Spencer county.

An act for the benefit of Margaret J. Singleton.

An act to incorporate the Cloverport Seminary.

An act to amend an act, entitled, an act to amend an act to incorporate the Western Baptist Theological Institute of Covington, approved 2d February, 1841.

An act for the benefit of the widow of James C. Ashbrooke, deceased, of Boone county.

An act for the benefit of William A. Robards and others.

An act for the benefit of Foster Ray, of Marion county.

An act to authorize the County Court of Christian county to change the location of a part of the Hopkinsville and Morgantown State Road.

An act to change the name of Sarah Ann Goodwin to Sarah Ann Blakely.

An act to amend an act approved March 2d, 1844, in relation to Constables.

An act to change the name of Sophia Jeffries, to that of Sophia Hancock.

An act to incorporate the Bardstown Female Seminary.

An act supplemental to an act, entitled, an act to establish the county of Fulton.

An act to run and re-mark a portion of the boundary line between the States of Kentucky and Tennessee.

Approved January 29, 1845.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act permitting A. Rawlings to erect a mill dam across Licking river.

An act authorizing J. Asberry to build a dam across Main Licking river, and for other purposes.

An act for the benefit of John Allen.

An act to amend an act, entitled, an act to release to Ohio county the interest of the State in the Hartford Bridge Company.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Dyer, from the same committee, reported a bill for the benefit of Samuel May, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Helm read and laid on the table the following resolution, to-wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners of the Sinking Fund enquire into the manner of declaring and paying dividends by the several Banks in this Commonwealth, in which the State is the owner of stocks, and ascertain whether said Banks have, in all instances paid to the State the dividends to which it was entitled, upon the same principles adopted for the declaring and paying dividends to the private stockholders, and report the result to the next Legislature. If a difference has been made operating against the State, report that difference, and the amount required to make the State equal in receipts to the private stockholders, having due regard to the proportion of stock held by each.

The rule of the Senate being dispensed with, the said resolution was taken up, twice read and adopted.

Resolutions from the House of Representatives, rescinding the resolution for a final adjournment of the General Assembly, and fixing another day for its adjournment, was taken up and twice read.

Mr. McAfee moved to lay the said resolutions on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardin and Rodes, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Crenshaw,	Marshall,
Conner,	James,	McAfee—6.

Those who voted in the negative, were—

Messrs. Ballard,	Hardin,	Peyton,
Boyd, A.	Harris,	Rodes,
Boyd, W. P.	Helm,	Slaughter,
Bradford,	Holloway,	South,
Drake,	Huston,	Swope,
Dyer,	Key,	Taylor,
Field,	McElroy,	Wallace,
Fox,	Newell,	Walker,
Gilles,	Palmer,	Winfrey,
Gray,	Patterson,	Woodson—30.

Mr. Drake moved to amend the second resolution by striking out the 10th, and inserting the 15th day of February, as the day for a final adjournment.

Mr. Walker moved the previous question.

And the question being taken, shall the main question be now put? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. James and Palmer, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	Peyton,
Bennett,	Hardin,	Rodes,
Boyd, W. P.	Helm,	Slaughter,
Bradford,	Holloway,	Taylor,
Conner,	Huston,	Wallace,
Crenshaw,	McElroy,	Walker,
Field,	Palmer,	Winfrey,
Fox,	Patterson,	Woodson—25.
Gilless,		

Those who voted in the negative, were—

Messrs. Boyd, A.	Harris,	McAfee,
Chenault,	James,	Newell,
Drake,	Key,	South,
Dyer,	Marshall,	Swope—12.

The question was then taken on concurring in the adoption of the said resolutions, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McElroy and James, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	Rodes,
Bennett,	Gilless,	Slaughter,
Boyd, W. P.	Gray,	Swope,
Bradford,	Helm,	Taylor,
Crenshaw,	Key,	Wallace,
Drake,	Patterson,	Walker,
Dyer,	Peyton,	Winfrey—21.

Those who voted in the negative, were—

Messrs. Boyd, A.	Holloway,	McElroy,
Chenault,	Huston,	Newell,
Conner,	James,	Palmer,
Fox,	Marshall,	South,
Hardin,	McAfee,	Woodson—16.
Harris,		

Bills of the following titles, to-wit:

1. An act to change the times of holding the Muhlenburg and Boyle Circuit Courts.

2. An act to authorize the Surveyor's books of Henderson county to be transcribed.

3. An act to legalize the proceedings of the 115th Regiment of Kentucky Militia.

Together with the amendments of the House of Representatives proposed thereto, were referred: the 1st and 2d to the committee on the Judiciary; and the 3d to the committee on Military Affairs.

A bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace to Barren county, and for other purposes, together with the amendments proposed thereto, were referred to the committee on the Judiciary.

The amendments of the House of Representatives, to bills of the following titles, were amended and concurred in, to-wit:

An act to allow an additional Justice of the Peace to Carter county.

An act to change the time of holding the Larue County Court.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to bills from the Senate, of the following titles, to-wit:

An act for the benefit of certain school districts in the counties of Fayette and Adair.

An act authorizing the County Court of Kenton county to change, at certain points, the location of the State road leading from Independence to Covington.

The amendments proposed by the House of Representatives, to a bill from the Senate, entitled, an act to regulate the terms of the Spencer Circuit Court, were twice read and disagreed to.

A bill to increase the resources of the Sinking Fund, and to provide for the burning of certain State Bonds and coupons, was taken up, and amended, and committed to the committee of the whole House on the State of the Commonwealth, and made the special order of the day for to-morrow.

On the motion of Mr. Wallace, the committee on Military Affairs was discharged from the duty of preparing and bringing in a bill to amend the militia law of this Commonwealth, so as to dispense with militia musters, and Messrs. Wallace, James and Huston were appointed a committee to prepare and bring in said bill.

On the motion of Mr. Patterson, the select committee appointed for that purpose, were discharged from the duty of preparing and bringing in a bill to change the time of the annual meeting of the General Assembly of Kentucky, and the committee on the Judiciary was directed to prepare and bring in said bill.

Leave was given to bring in the following bills, to-wit:

On the motion of Mr. Swope—1. A bill to provide for running and marking the line between Pendleton and Campbell counties.

Also—2. A bill to repeal the several acts granting premiums on silk cocoons, and sewing, reeled and manufactured silk.

On the motion of Mr. Bennett—3. A bill to incorporate Saint Paul's Protestant Episcopal Church in Newport, Kentucky.

On the motion of Mr. W. P. Boyd—4. A bill to authorize the taking of depositions in certain cases.

On the motion of Mr. James—5. A bill for the benefit of the widow and heirs of Daniel Stewart, deceased, of Hickman county.

The committee on Propositions and Grievances was directed to prepare and bring in the 1st; the committee on Religion the 3d; the committee on the Judiciary the 5th; Messrs. Swope, Helm and Bradford were appointed a committee to prepare and bring in the 2d; and Messrs. W. P. Boyd, Fox and Field the 4th.

And then the Senate adjourned.

FRIDAY, JANUARY 31, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, to-wit:

An act to regulate certain duties of Clerks.

An act to amend the road laws of Pendleton county.

An act establishing a chancery and criminal term of the Marion Circuit Court.

An act for the benefit of Nancy and Robert W. Lowry, Jr.

An act to allow an additional Justice of the Peace to Marshall county, and for other purposes.

An act to amend an act, entitled, an act incorporating the town of Bardstown.

An act for the benefit of Linchfield Sharp.

An act to amend the charter of the City of Lexington.

An act for the benefit of Jane Cox.

An act providing for a change of venue in the prosecution pending in the Jefferson Circuit Court, against Paschal D. Craddock, for perjury.

An act for the benefit of Joseph Howard.

An act for the benefit of Sally B. Booker.

Approved January 29, 1845.

That they had passed bills of the following titles, to-wit:

An act to amend the revenue laws.

An act to run and re-mark the line between the counties of Montgomery and Morgan.

An act for the benefit of William B. Field, of Adair county.

An act to incorporate the first United German Protestant Church in the City of Louisville.

An act to incorporate the United Baptist Church of Garnettsville.

An act to revive and continue in force the several acts concerning the town of Concord, in Lewis county, and for other purposes.

An act for the benefit of the Port Royal Seminary, in Henry county.

1. Mr. Wallace presented the petition of Eliza Maxfield and others, praying for the passage of a law to amend an act, entitled, an act for the benefit of Eliza Maxfield and children, approved February 17, 1836.

2. Mr. Slaughter presented the petition of Susan Garnett, praying for a divorce from her husband, James H. Garnett.

Which were received and referred: the 1st to the committee on the Judiciary; and the 2d to the committee on Religion.

Two messages, in writing, were received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said messages were taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Ratcliff Fisher to be Major of the 8th Regiment, 5th Brigade, of Kentucky Militia.

WM. OWSLEY.

January 31, 1845.

Gentlemen of the Senate:

I nominate for your advice and consent, Robert A. Hatcher to be Police Judge of the town of Hickman, in place of H. A. Bush, removed.

WM. OWSLEY.

January 31, 1845.

Resolved, That the Senate advise and consent to the said appointments.

The Senate according to the standing order of the day, resolved itself into a committee of the whole House, on the State of the Commonwealth, Mr. Holloway in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Holloway reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act the better to protect the purity of elections, and had made some progress therein, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

The Speaker laid before the Senate the following report of the President of the Board of Internal Improvement, in answer to a resolution adopted by the Senate at the last session of the Legislature, to-wit:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,

January, 1845. }

Hon. ARCHIBALD DIXON,

Lieutenant Governor and Speaker of the Senate:

In obedience to two resolutions of the Senate, adopted near the close of the last session, for which see their Journal, pages 368 and 369, I have the honor, respectfully to report:

EXPENDITURES

For Internal Improvement purposes from the commencement of the system up to 1st January, 1844.

To Kentucky River Navigation,	-	-	-	\$ 894,563 43	
To Green and Barren do.	-	-	-	831,124 69	
To Licking do.	-	-	-	371,495 93	
					\$ 2,097,184 05
To Turnpikes, Dirt Roads and Bridges,	-	-	-	-	2,608,233 39
To Railroads,	-	-	-	-	321,903 00
To descending Navigation,	-	-	-	-	13,705 97
To Surveys and Reconnoissances,	-	-	-	-	16,257 84
To Salaries of Engineers, &c.,	-	-	-	-	88,962 69
To Mills injured by Slackwater,	-	-	-	-	1,650 00
To transportation of Iron from Licking,	-	-	-	-	489 64
To general and incidental expenses,	-	-	-	-	25,497 88
					<u>\$ 5,173,884 46</u>

The amount charged above to slackwater navigation, includes the sums paid by the Board of Internal Improvement for manufacture of hydraulic lime in the city of Louisville, and on Licking river; and also the sum of (\$6,384 84,) appropriated by the General Assembly of 1841-2, to John Hulme, agent of the Louisville lime establishment, for money advanced by him in the manufacture of lime. The amount charged to the Green and Barren River Navigation, also includes (\$2,353 54,) which the Commissioners for improving that navigation received from a sale of powder, tools, &c. &c.

The sum charged to general and incidental expenses, includes: Per diem and expense of Mem-					
bers of the Board,	-	-	-	-	\$ 7,604 85
Expenses of Engineers,	-	-	-	-	4,128 05
Agents to sell bonds and procure Engineers,	-	-	-	-	4,287 39
Various Engineering Instruments,	-	-	-	-	2,313 91
Printing, Stationery, Postage, Fuel, Light, attendance on office, Furniture, &c. &c.,	-	-	-	-	7,163 68
					<u>\$ 25,497 88</u>

EXPENDITURES ON SLACK WATER NAVIGATION.

KENTUCKY RIVER NAVIGATION:

Land,	-	-	-	\$ 3,366 30
Surveying and leveling,	-	-	-	2,302 55
Freight on lime,	-	-	-	23,041 58
Superintendents,	-	-	-	16,812 22
Clearing banks and snags,	-	-	-	20,903 58

Amount carried forward, - - - - \$ 66,426 23

Amount brought forward,	-	-	-	\$ 66,426 23
Locks and Dams,	-	-	-	775,721 20
Lime from Louisville,	-	-	-	52,416 00

\$ 894,563 43

GREEN AND BARREN RIVER NAVIGATION:

Salaries of Engineers,	-	-	\$ 9,484 27
Commissioners, &c. &c.,	-	-	9,645 09
Surveys,	-	-	1,186 36
Lime,	-	-	27,701 11
Clearing pools,	-	-	23,919 96
Superintendence,	-	-	8,636 89
Tributaries,	-	-	30,980 73

\$ 111,554 41

Locks and Dams,	-	-	-	674,904 88
In Skiles' hands,	-	-	-	12,000 00
In Stout's hands,	-	-	-	2,755 40
Lime from Louisville,	-	-	-	29,910 00

\$ 831,124 60

LICKING RIVER NAVIGATION:

Land,	-	-	\$ 1,747 33
Surveys,	-	-	4,106 23
Obstructions at mouth of Licking,	-	-	5,383 47
Freight on lime,	-	-	3,805 00
Superintendence, &c.,	-	-	3,811 46
Clearing banks,	-	-	3,121 20

\$ 21,974 69

Locks and Dams,	-	-	-	322,744 47
Lime from Louisville,	-	-	-	7,221 11
Lime from Licking,	-	-	-	19,555 66

\$ 371,495 93

\$ 2,097,184 60

PER DIEM AND EXPENSES OF THE BOARD OF INTERNAL IMPROVEMENT.

In 1836,	-	-	-	\$ 198 00
In 1837,	-	-	-	1,008 76
In 1838,	-	-	-	1,011 25
In 1839,	-	-	-	2,480 44
In 1840,	-	-	-	867 37
In 1841,	-	-	-	567 20
In 1842,	-	-	-	1,277 83
In 1843,	-	-	-	194 00

\$ 7,604 85

To Samuel Daviess,	-	-	-	\$ 2,082 66
To James R. Skiles,	-	-	-	1,631 76
To James T. Morehead,	-	-	-	686 10
To Thomas Metcalfe,	-	-	-	678 50
To M. V. Thomson,	-	-	-	596 88
To Arch. Woods,	-	-	-	491 25
To F. E. McLean,	-	-	-	415 20
To Peter Dudley,	-	-	-	424 00
To Chilton Allan,	-	-	-	190 00
To T. M. Ewing,	-	-	-	100 50
To James Davidson,	-	-	-	100 00
To H. P. Murrell,	-	-	-	94 00
To J. L. Hickman,	-	-	-	93 00
To John Green,	-	-	-	21 00

\$ 7,604 85

The foregoing account of the pay and expenditures of the Board does not include the annual salary of the President thereof, which is \$1,000, not paid by the Board, but paid out of the Public Treasury.

For the year ending the 10th of October, 1844, there was paid	
into the Treasury, from the Kentucky River Navigation,	\$10,863 45
From Green and Barren rivers,	2,350 00
	<hr/>
	\$13,213 45

But for the reasons intimated in the late annual report of the Board—see pages thereof, 5 and 6, there would have been paid into the Treasury, a sum much larger than that above stated—the proceeds of the river having been applied, in part, towards the finishing, rather than the repairing of the works.

As heretofore reported to the Chairman of the Committee on the Sinking Fund of the Senate, and for the reasons therein stated, the Board estimate the probable amount to be paid into the Treasury, for the year 1845, from the Kentucky River Navigation, at from \$20,000 to \$25,000; and barring unlooked for accidents or breaches, they now entertain strong hopes that the amount will not be less than the highest of the two sums mentioned.

The aggregate salaries of the five Lock Keepers upon Ken-	
tucky river, amounts to	\$1,300 00
Upon the Green and Barren rivers, to	990 00
Of the Superintendent upon Green and Barren,	800 00

Occasionally, and as circumstances may require, the services of a Civil Engineer is obtained upon the Kentucky river, whose accounts for the past year have not, as yet, been settled.

The Board have no means of ascertaining the cost of repairing and superintending the Turnpike Roads. From the inconsiderable sum paid into the Sinking Fund, annually, it is obvious that the cost of repairing, superintending and collecting, must be great; for it is known that the gross amount of collections exceed many fold the amount paid into the Treasury and to individual stockholders. From the nature of things, the expense of repairing Turnpike Roads, under any system that may be adopted, will be such, as to require a considerable portion of the gross proceeds thereof. It is believed, however, that a plan of repairing might be adopted, the effect of which would be, to insure to the State, and to all other stockholders, dividends much above the amount hitherto, and at present, received. The act, entitled, "an act to regulate the tolls on the Turnpike Roads in which the Commonwealth is a stockholder, and for other purposes, approved the 28th February, 1842, may be looked upon as a nullity, so far, at least, as it was intended to confer upon the Board of Internal Improvement certain powers therein specified.

That act *establishes the rates of toll* thereafter to be charged upon the Turnpikes, and confers upon the Board the right to alter the rates so established, from time to time, as they may think proper.

The companies claim the right, in pursuance of the provisions of their respective charters, of fixing and modifying those rates, independently of Legislative interference, or the interference of the Board; and in doing so, they generally claim a broad and almost boundless discretion. In a few instances alterations are made by the companies, by and with the consent and approbation of the Board. In other instances those changes are made without their consent or knowledge.

This is a state of things that the Board have no power to control; and if they had the uncontested power, they could not possibly exercise it very judiciously. To a partial extent, such a power might probably be exercised advantageously to the State.

All the Board can now do in the premises, is to exercise their very limited powers, in the election of Presidents, Directors, &c. of the roads; and this avails nothing in carrying out the views of the Board, unless those views should be in perfect accordance with the wishes of the stockholders.

The most of the charters, by the scale laid down, of voting for Directors, &c., give to the individual stockholders full and complete power over the State authorities in all such elections, the fact that the State owns one half of the stock, notwithstanding; and hence it is, that they can, at their pleasure, defy the Legislature and the Board.

The individual stockholders and the Directors rank almost invariably amongst our best and most respectable citizens. But under the present organization, no such thing as economy or efficiency can be expected. It is a clumsy, unwieldy machinery: "every body's business is the business of no one," holds good in this, as in all other cases.

It is still the opinion of the Board, as heretofore given, that an act might be so framed, for leasing out for a term of years, the most productive and important of those roads, so as to ensure to the State, and all other stockholders, dividends very greatly above the amount heretofore, and at present received; that a sufficient number of the individual stockholders would unite with the State authorities, in favor of making the leases, without any violation, or pretended violation of the charters; and that the lessees, prompted by keen-sighted self-interest, would conduct those works with skill, economy and efficiency, such as hitherto has never been, and as never will be the case under our present unmanageable system; and that too, without in the slightest degree imposing any increased burthens, or interposing any new obstacles in the way of the respective communities, contiguous to those Turnpikes.

This report would have been made to the Senate at an earlier day, but owing to the fact that the resolutions were adopted by the Senate alone, and therefore did not appear in the acts of the last session, they were overlooked until recently, when the attention of the Board was called to the subject by the Hon. Senator on whose motion they had been adopted. All of which is respectfully submitted to the consideration of the honorable Senate, by their obedient servant,

THOMAS METCALFE,

President Board Internal Improvement.

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

When the vote was taken, yesterday, on the adoption of the resolution reported by Mr. Fox, from a select committee, the Speaker announced that the resolution was adopted: there being no vote in the negative heard by the Speaker, he then announced that the resolution was unanimously adopted, and directed the Clerk so to enter it on the Journal.

Mr. McAfee stated that he did not hear the announcement that it was unanimously adopted, that he dissented from the reasoning of the report, and had voted against the resolution on that account; although his vote was

not heard by the Speaker, and moved that this statement be entered on the Journal of to-day, which was ordered to be done.

And then the Senate adjourned.

SATURDAY, FEBRUARY 1, 1845.

A message was received from the House of Representatives, announcing that they had passed bills of the following titles, to-wit:

An act for the benefit of George Washington Lafayette Bradley, and for other purposes.

An act for the benefit of Stephen and Sarah Skaggs, of Green county.

An act to divorce Sinclair Stapp.

An act for the benefit of Elijah McWharter, Jesse Yantis and John Beaty.

An act for the benefit of Shadrack Mitchell, Solomon King and James Bailey.

An act for the benefit of the Sheriff of Bourbon county, and for other purposes.

An act for the benefit of James Squires, of Bourbon county, and for other purposes.

An act for the benefit of the Sheriffs of Owen and Daviess counties.

An act for the benefit of Thomas Parker, Alexander Bruce and John Johnson, late Sheriffs of Lewis county.

An act for the benefit of the Sheriff of Laurel county.

An act to amend an act concerning the town of Newport, and for other purposes.

An act authorizing Nathaniel Ferguson to peddle goods without license.

On the motion of Mr. Winfrey, leave was given to bring in a bill authorizing the widow of George Craft, deceased, to convey the title to a tract of land in Clinton county; and the committee on the Judiciary was directed to prepare and bring in said bill.

Mr. Key read and laid on the table the following preamble and resolution, to-wit:

WHEREAS, It is necessary the corporate concerns of the Old Bank of Kentucky should be closed, and for the purpose of ascertaining its true situation—

Resolved by the General Assembly of the Commonwealth of Kentucky, That Austin P. Cox, of the town of Frankfort, be, and he is hereby appointed to settle with Harrison Blanton, the Commissioner and Agent of the said Bank; that the said Cox shall ascertain

1st. The amounts of funds, and of what description, were placed in the hands of the said Harrison Blanton, by the Cashier of the Old Bank of Kentucky, in pursuance of the act, entitled, "an act to extend, for a certain period, and with certain limitations, the charter of the Old Bank of Kentucky," approved February 29, 1836.

2d. The amount of notes payable by said Bank, and the amount redeemed by said Agent since his appointment, also the amount of notes yet unredeemed.

3d. The amount of debts due the Bank, with the names of the debtors and securities.

4th. Whether all the dividends of the property and capitol stock have been claimed and paid, if not, to whom the same are due, and the amount.

5th. State the real estate that belonged to the Bank at the appointment of the said Harrison Blanton as Agent; in what manner the same has been disposed of; if sold, for what sum; also state the amount given by the Bank for said real estate.

6th. Whether there is any real estate now belonging to the Bank; if so, where situated, and from whom purchased, and the amount given for the same.

7th. Whether the said Harrison Blanton, as Agent, has compromised with any of the debtors to the Bank, and released them from their liability; if so, state with whom such compromise was made, and the terms.

8th. That the said Austin P. Cox shall report to the next Legislature, within ten days after the commencement of the session, the settlement made with the said Harrison Blanton, to enable the Legislature to pass such laws as may be necessary for finally closing the concerns of said Bank.

The rule of the Senate being dispensed with, the said preamble and resolutions were taken up, twice read, and adopted.

Mr. Bennett, from a select committee, reported a bill better to protect a certain ferry on the Ohio river, in the county of Campbell.

Mr. Rodes, from a select committee, reported a bill for the benefit of Robert C. Rogers, of Fayette county.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st bill was referred to the committee on the Judiciary; and the 2d to the committee on Propositions and Grievances.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

Inominate for your advice and consent, Henry F. Given, William Smedley, James L. Dallam, Jas. W. Mills and William Gordon to be Trustees of the Cumberland Hospital.

WM. OWSLEY.

February 1, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to amend an act, approved March 2d, 1844, entitled, an act to regulate the management of the Wilderness road, and for other purposes.

An act to amend the road law of Campbell county, and for other purposes.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to extinguish the rent and title of the City of Lexington to the Railroad Depot and Warehouse, reported the same without amendment.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon the City of Lexington executing a good and sufficient deed, with deeds of general warranty, conveying to the Commonwealth of Kentucky, said Depot and Warehouse, in fee simple, free of incumbrance, and releasing the Commonwealth from all arrears of rent, which deed shall be examined and approved by the Governor, the sum of three thousand three hundred and thirty-three and one third dollars, shall be paid to said City of *Lexington*, in six years, with interest at the rate of six per centum per annum; and the Governor is hereby authorized to execute the bonds of the Commonwealth for said sum, in sizes of one hundred dollars, with interest payable annually: *Provided*, That if there should be any premium on said bonds, at the time of their delivery, the City of Lexington shall pay into the Treasury the amount of such premium.

Mr. Helm moved an amendment to the said bill, by striking out all after the word *Lexington*, printed in italics, and inserting in lieu thereof the following, viz:

"Out of the Treasury of the State, in six annual instalments, with interest thereon, at the rate of six per centum per annum until paid."

Mr. Ballard moved to lay the said bill and amendment on the table.

The question being taken on the said motion, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ballard and Rodes, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Conner,	McAfee,
Bennett,	Harris,	Newell,
Boyd, A.	James,	Winfrey—11.
Chenault,	Marshall,	

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Hardin,	Rodes,
Carpenter,	Helm,	Slaughter,
Crenshaw,	Holloway,	South,
Drake,	Huston,	Swope,
Dyer,	Key,	Taylor,
Field,	McElroy,	Wallace,
Fox,	Patterson,	Walker,
Gilless,	Peyton,	Woodson—25.
Gray,		

The question being taken on adopting the amendment proposed by Mr. Helm, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Helm, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Hardin,	Newell,
Boyd, A.	Harris,	Peyton,
Boyd, W. P.	Helm,	South,
Carpenter,	James,	Swope,
Chenault,	Marshall,	Winfrey,
Conner,	McAfee,	Woodson—20.
Drake,	McElroy,	

Those who voted in the negative, were—

Messrs. Bennett,	Gray,	Rodes,
Crenshaw,	Holloway,	Slaughter,
Dyer,	Huston,	Taylor,
Field,	Key,	Wallace,
Fox,	Patterson,	Walker—16.
Gilless,		

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Rodes, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Hardin,	Patterson,
Carpenter,	Harris,	Peyton,
Crenshaw,	Helm,	Rodes,

Drake,	Holloway,	Slaughter,
Dyer,	Huston,	South,
Field,	Key,	Taylor,
Fox,	McElroy,	Wallace,
Gilless	Palmer,	Woodson--25.
Gray,		

Those who voted in the negative, were—

Messrs. Ballard,	Conner,	Newell,
Bennett,	James,	Swope,
Boyd, A.	Marshall,	Walker,
Chenault,	McAfee,	Winfrey—12.

The constitutional rule as to the third reading being dispensed with,
The question was taken on the passage of the said bill, as amended, and
it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Rodes,
were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gray,	Patterson,
Carpenter,	Hardin,	Peyton,
Crenshaw,	Harris,	Rodes,
Drake,	Helm,	Slaughter,
Dyer,	Holloway,	South,
Field,	Huston,	Taylor,
Fox,	Key,	Wallace,
Gilless,	McElroy,	Woodson—24.

Those who voted in the negative, were—

Messrs. Ballard,	Conner,	Newell,
Bennett,	James,	Swope,
Boyd, A.	Marshall,	Walker,
Chenault,	McAfee,	Winfrey—12.

Resolved, That title of the said bill be as aforesaid.

Mr. Dyer, from the same committee, reported the following bills, to-wit:

A bill authorizing David Goyer and James M. Webb to erect a dam across
Nolin Creek.

A bill to amend the charter of the Winchester and Lexington Turnpike
Road Company.

A bill for the benefit of Samuel Hutchason.

Which bills were severally read the first time, and ordered to be read a
second time.

The constitutional rule as to the second and third readings of said bills
being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as afore-
said.

Mr. Helm, from the committee on the Sinking Fund, made the following report, under a resolution of the Senate of the 23d of January, 1845, to-wit:

The committee on the Sinking Fund have had under consideration a resolution of the Senate, adopted January 23d, 1845, and, in response, make the following report:

There is no account existing between the Bank of Louisville and the Board of Commissioners of the Sinking Fund. The account of the Northern Bank, shows a balance against the Commissioners of the Sinking Fund, of \$17,993 85. The account of the Bank of Kentucky, shows a balance against the Commissioners of the Sinking Fund, of \$4,952. Provision has been made for the payment of these apparent balances, as exhibited in the account of the Secretary of the Board of Commissioners of the Sinking Fund, accompanying the Special Message of the Governor, with the exception of a small part of the account of the Northern Bank.

Your committee ascertained, by an examination of a running interest account, kept between the Board of Commissioners of the Sinking Fund, and the Bank of Kentucky, commencing in December, 1840, and ending in July, 1844, with the exception of \$20 brought forward from an earlier period, that the Board of Commissioners of the Sinking Fund cancelled a balance against them of \$50,000, by a payment made by the Governor, of that amount, in State Internal Improvement bonds. Thus it appears that \$50,000 in State bonds, have been necessarily used, to aid in the payment of interest due on the State debt.

In regard to the services rendered by John Tilford, your committee report: That the services rendered by John Tilford, are correctly set out in the report of the Board of Commissioners of the Sinking Fund. One of those trips was made by Mr. Tilford, east, in company with his wife, on account of her feeble health. The Governor, learning that it was the intention of Mr. Tilford to go east, availed himself of his services, to aid him in selling a State bond for \$100,000; and to bring to Kentucky, from different banks, coupons of interest to the amount of about \$100,000. The performance of this service, as Mr. Tilford assured the committee, threw him off his contemplated route, and detained him some two weeks. Mr. Tilford thought it inexpedient, at that time, to make sale of the bond, but brought with him the coupons; for that service he was paid the sum of \$150. Mr. Tilford was required, by the Governor, to make a second trip, to sell the bond; which he performed, and accomplished the sale; for which he was allowed the sum of \$500. That sum amounts to $\frac{1}{2}$ per cent., which has been the usual allowance for similar services. Mr. Tilford gave the committee positive assurances, that in effecting the sale, it became necessary, in his opinion, to expend \$350. The proceeds of the sale amounted to some several thousand dollars more than would have been the product, if effected at the lowest sum fixed, in his letter of authority. At the time this sale was made, Mr. Tilford effected another, of some value to the State. There had been paid to the Northern Bank of Kentucky, in State bonds, the sum of \$350,000, which was borrowed to aid in the prosecution of the System of Internal Improvement. It had been agreed between the Governor and the Bank, that the State should be entitled to the amount of sales made of those bonds, above their nominal value. The value of State bonds, at that time, east, presented a favorable opportunity of realizing some advantage to the State. The

Governor insisted on the sale at that time, which was effected by Mr. Tilford, at a sum which paid to the State the sum over the nominal value of the bonds, of near nine thousand dollars.

From the evidence the committee were able to obtain, they are of opinion that there was no impropriety in the payments made to Mr. Tilford. He, doubtless, discharged the duties assigned him, with zeal and fidelity to the State. The circumstances under which the Secretary of the Board of Commissioners of the Sinking Fund was paid the sum of \$250 for extra services, are detailed in the written statement of the Secretary, returned, and made a part of this report, being answer to 3d interrogatory.

JOHN L. HELM, *Chairman.*

In answer to the enquiry—"For what extra services rendered by the Secretary of the Commissioners of the Sinking Fund, was paid \$250, the 23d of May, 1844?" In reply, I state, that at a meeting of the Commissioners, the 18th day of March last, the following resolution was adopted, without any request or solicitation on my part:

"*Resolved*, That the sum of two hundred and fifty dollars be allowed James Harlan, the Secretary of this Board, for extra services rendered, in preparing and signing the coupons annexed to the bonds given in exchange for the \$100 bonds; and for other duties performed by him, not contemplated as connected with his office, and requiring unusual labor."

The amount of bonds cancelled, amounted to nearly half a million.

There is one other subject of enquiry, contained in the resolution, to which I beg leave, respectfully to refer, and that is—"By what authority of law, and under what circumstances, interest was paid on coupons?" I am not aware that interest has, in any instance, been paid on coupons. The misconception on that subject has arisen, I presume, from an error in punctuation.

I am, very respectfully,

Your obedient servant,

J. HARLAN.

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

A message, in writing, was received from the Governor, by Mr. Harlan, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

In compliance with the request of the Legislature of Indiana, I herewith transmit a copy of joint resolutions of the Legislature of that State, on the subject of the repudiation of State debts.

WM. OWSLEY.

February 1, 1845.

STATE OF INDIANA.

A joint resolution on the subject of repudiating State debts.

SECTION 1. *Be it resolved by the General Assembly of the State of Indiana*, That we regard the slightest breach of plighted faith, public or private, as an evidence of the want of that moral principle upon which all obligations depend; that when any State in this Union shall refuse to recognise her great Seal, as the sufficient evidence of her obligation, she will have forfeited her station in the sisterhood of States, and will no longer be worthy of their confidence or respect.

SEC. 2. *Be it further resolved*, That his Excellency the Governor, be re-

quested to transmit copies of this joint resolution to the Governor of each of the several States, with a request that he will cause the same to be laid before the Legislature thereof.

A. C. STEVENSON,
Speaker of the House of Representatives.
JESSE D. BRIGHT,
President of the Senate.

APPROVED JANUARY 13th, 1845:

JAS. WHITCOMB.

Ordered, That the said message was referred to the committee on Federal Relations.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act to continue the place of voting at the house of Benjamin E. Garnett, in the town of Landing.

An act for the benefit of John Allen.

An act to change the place of voting in the Piner precinct, in Kenton county, and for other purposes.

An act permitting A. Rawlings to erect a mill dam across Licking river.

An act authorizing J. Asberry to build a dam across Main Licking river, and for other purposes.

An act to establish the Cane Spring precinct, in Madison county, and for other purposes.

An act to amend an act, entitled, an act to release to Ohio county the interest of the State in the Hartford Bridge Company.

An act concerning the town of Versailles.

An act for the benefit of Stephen Atherton.

An act divorcing Charles S. Graham.

An act for the benefit of Fanny Beal and Susannah McGarey.

An act for the benefit of the widow and heirs of Morris Tudor, deceased.

An act to incorporate the Trustees of the Sharon Presbyterian Church, in Bracken county.

An act to authorize the County Court of Daviess to lease a portion of the Public Square in the town of Owensboro'.

An act granting a change of venue to Henry Huffman.

And enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county.

An act authorizing the County Court of Kenton county to change, at cer-

tain points, the location of the State road leading from Independence to Covington.

An act for the benefit of certain school districts in the counties of Fayette, Wayne and Adair.

An act for the benefit of Fayette Posey, of the county of Henderson. And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

The Senate according to the standing order of the day, resolved itself into a committee of the whole House, on the State of the Commonwealth, Mr. Holloway in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Holloway reported that the committee had, according to order, had under consideration a bill from the House of Representatives, entitled, an act the better to protect the purity of elections, and having gone through the same, and directed him to report it to the Senate with amendments: one of the amendments was disagreed to, and the others concurred in.

The said bill was further amended.

Mr. Helm moved to strike out the third section of said bill, which is as follows, to-wit:

SEC. 3. No elector shall vote except in the precinct in which he actually resides, or at the Court House of his county; and it shall be the duty of all the County Courts in this State, at their next April or May term, where there are precincts in their counties, to define and mark out, by specific boundaries, (ascertained, when practicable, by natural boundaries) such precincts, and the Sheriff's of the several counties shall post, or cause to be posted, a written or printed notice of the boundaries thereof, at the door of the Court House, and at the door of the house in each precinct in which the voting is directed to be done, at least two months previous to the first Monday in August next; and any person who shall wilfully vote in the precinct to which he does not belong (except at the Court House of his county,) except the candidates and officers of the election, who shall be permitted to vote at the precinct where they preside as officers, though they may reside in another precinct, shall, on conviction thereof, before any Magistrate in his county, be fined in the sum of fifty dollars, and on failure to pay the same, shall be kept in the county jail for thirty days.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. South and James, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Helm,	Peyton,
Bennett,	Huston,	Slaughter,
Boyd, A.	James,	South,
Carpenter,	Marshall,	Swope,
Chenault,	McAfee,	Wallace,
Conner,	McElroy,	Walker,
Drake,	Newell,	Winfrey—22.
Harris,		

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Hardin,	Rodes,
Field,	Key,	Taylor,
Gilles,	Palmer,	Woodson—10.
Gray,		

Mr. Newell moved an amendment to the said bill.

At 40 minutes after 2 o'clock, Mr. Walker moved that the Senate adjourn.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wallace and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Hardin,	Patterson,
Carpenter,	Helm,	Peyton,
Conner,	Holloway,	Rodes,
Crenshaw,	Huston,	Swope,
Dyer,	Key,	Taylor,
Field,	Marshall,	Walker,
Gray,	Palmer,	Woodson—21.

Those who voted in the negative, were—

Messrs. Boyd, A.	Harris,	Newell,
Boyd, W. P.	James,	South,
Chenault,	McAfee,	Wallace,
Drake,	McElroy,	Winfrey—13.
Gilles,		

And then the Senate adjourned.

MONDAY, FEBRUARY 3, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28, 1830.

That they had receded from the amendment proposed by that House, to a bill from the Senate, entitled, an act to regulate the terms of the Spencer Circuit Court.

That they had concurred in the amendments proposed by the Senate, to the amendments proposed by that House, to bills from the Senate, of the following titles, to-wit:

An act to allow an additional Justice of the Peace to Carter county.

An act to change the time of holding the Larue County Court.

That they had passed bills from the Senate, of the following titles, to-wit:

An act declaring Bear Creek and Little Barren river navigable streams.

An act allowing an additional Constable to the county of Oldham, and for other purposes.

An act to authorize the County Court of Campbell to appoint a Collector of the county levy for 1843.

With amendments to the two last named bills.

1. Mr. James presented the petition of sundry citizens of Graves county, praying for the passage of a law authorizing the Treasurer of the Board of Internal Improvement of said county to loan out the money of said county.

2. Mr. Holloway presented the petition of sundry citizens of Henderson county, praying for the passage of a law declaring the deed of partition executed by Richard Henderson, and other members of the Kentucky Land Company, to and amongst each other, to be legal and of full force and effect.

Which were received and referred; the 1st to the committee on Finance; and the 2d to the committee on the Judiciary.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was referred to the committee on the Judiciary: it is as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, John White to be Judge of the 19th Judicial District.

William V. Loving to be Commonwealth's Attorney in the 6th Judicial District, in place of Alexander R. Macey, deceased.

Robert Brown, James P. Tyler, Jesse Edmonson, Robert A. Hatcher,

Ralph McFaddin, Shadrack Boaz, Asa W. Clark, Hugh B. French and Thomas M. Smith to be Justices of the Peace, in and for the county of Fulton.

WM. OWSLEY.

February 3, 1845.

On the motion of Mr. Dyer, the committee on Internal Improvement was discharged from the further consideration of the petition of George King, of Henderson county.

On the motion of Mr. Holloway, leave was given to withdraw the said petition.

Mr. Dyer, from the committee on Internal Improvement, reported the following bills, to-wit:

A bill declaring Russell's Creek, in Green county, a navigable stream, and for other purposes.

A bill directing tolls on Turnpike roads to conform to the standard of federal coin.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to authorize the County Court of Kenton county to change, at certain points, the location of the State road leading from Independence to Covington.

An act for the benefit of certain School Districts in the counties of Fayette, Adair and Wayne.

An to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county.

An act for the benefit of Fayette Posey, of Henderson county.

Approved February 1, 1845.

Mr. James, from the committee on Finance, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

1. An act to amend the laws upon the subject of Pedlers.
2. An act for the benefit of the Sheriff of Nicholas county.
3. An act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties.

Reported the same with amendments to each, which were concurred in.

Ordered, That said bills be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles of the 1st and 2d be as aforesaid, and the 3d be amended by adding thereto, and for other purposes.

Mr. James, from the same committee, to whom was referred the petition of the Sheriff of Christian county, and the petition of Erastus Evans, reported the following resolution thereon, to-wit:

Resolved, That said petitions be rejected.

Which was twice read and concurred in.

Mr. James, from the same committee, reported a bill for the benefit of Daniel Bringle and others, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. James, the vote of the Senate, disagreeing to a bill from the House of Representatives, entitled, an act for the benefit of John Reynolds, was re-considered.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message, in writing, was received from the Governor, by Mr. Mitchell, Assistant Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Jacob White to be Sheriff of Fulton county.

Robert Powell to be Coroner of Fulton county.

James E. Stone to be Notary Public of Hancock, in place of G. W. Williams, resigned.

WM. OWSLEY.

February 3, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Mr. McAfee, from the committee on Education, presented the following communication from the Superintendent of Public Instruction, viz:

To the honorable Senate and House of Representatives of Kentucky:

The Superintendent of Public Instruction would respectfully submit this, his Supplemental Report:

In looking over the accounts of the Board of Education, he finds an error in his report for the year 1844. He was led into said error from the manner in which Mr. Brush, his predecessor, stated his accounts, in the Annual

Report of 1843. (See said report.) He, Brush, states that "there are due from the Commissioners of the Sinking Fund, and unpaid, with the exception of \$2,504 40, five instalments of interest," &c. He then proceeds, in a subsequent clause of his report, as follows: "Since the last Annual Report of the Superintendent of Public Instruction, there have been received from the Commissioners of the Sinking Fund, \$504 40," &c. The present Superintendent, supposing that the last mentioned sum, \$504 40, was not included in the first, or \$2,504 40, reported \$3,008 80, as having been received from the Commissioners of the Sinking Fund. Whereas, in fact, only \$2,504 40 had been actually received. The Superintendent would respectfully request that this error might be corrected, so that his accounts may be correctly balanced.

R. T. DILLARD,

Superintendent of Public Instruction.

February 3, 1845.

Mr. Wallace, from the committee on Military Affairs, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of John M. Whitaker, collector of fines in the 21st Regiment of Kentucky Militia, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wallace, from the same committee, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act for the benefit of the Woodford Guards Riflemen.

An act for the benefit of the Danville Artillery.

Reported the same with the opinion of the committee that they ought not to pass.

The said bills were each amended, and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills, as amended, do pass, and that the titles thereof be as aforesaid.

Mr. Wallace, from the same committee, to whom was referred an act to legalize the proceedings of the 115th Regiment of Kentucky Militia, together with the amendments proposed thereto by the House of Representatives, reported the same with the opinion of the committee that the preamble and first section of said amendment be concurred in, and that the second section be disagreed to, and that the amendment to the title be concurred in; which report was concurred in.

Mr. Slaughter, from the committee on Agriculture, reported a bill to regulate the inspection of salt, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, reported a bill to change the time of the annual meeting of the General Assembly of Kentucky, which was read the first time.

Mr. James opposed the said bill.

Mr. Chenault moved to lay the said bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and James, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, A.	Holloway,	Slaughter,
Bradford,	Huston,	Taylor,
Carpenter,	James,	Wallace,
Chenault,	Marshall,	Walker,
Drake,	McElroy,	Woodson—17.
Dyer,	Rodes,	

Those who voted in the negative, were—

Messrs. Ballard,	Gilless,	Newell,
Bennett,	Gray,	Patterson,
Boyd, W. P.	Hardin,	Peyton,
Conner,	Harris,	South,
Crenshaw,	Helm,	Swope,
Field,	Key,	Winfrey—20.
Fox,	McAfee,	

The question being taken, shall the bill be rejected, it was decided in the negative, and so the said bill was ordered to be read a second time.

The yeas and nays being required thereon by Messrs. Patterson and James, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, A.	Field,	Rodes,
Bradford,	Holloway,	Slaughter,
Carpenter,	Huston,	Taylor,
Chenault,	James,	Wallace,
Drake,	Marshall,	Walker,
Dyer,	McElroy,	Woodson—18.

Those who voted in the negative, were—

Messrs. Ballard,	Gray,	Newell,
Bennett,	Hardin,	Patterson,
Boyd, W. P.	Harris,	Peyton,
Conner,	Helm,	South,
Crenshaw,	Key,	Swope,
Fox,	McAfee,	Winfrey—19.
Gilless		

The constitutional rule as to the second reading being dispensed with,
Ordered, That said bill be engrossed and read a third time, and that it be made the special order of the day for to-morrow.

An engrossed bill, entitled, an act to amend the charter of the Glasgow and Scottsville Turnpike Road, was read the third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Field, leave was given to bring in a bill to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved February 22d, 1844; and Messrs. Field, Huston and Slaughter were appointed a committee to prepare and bring in said bill.

Mr. Field, from said committee, reported the said bill, which was read the first time and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:

A bill to change the time of holding the Green, Hart and Meade Circuit Courts.

A bill to amend an act, entitled, an act to provide for a change of venue in the prosecution against James B. Spratts, approved March 2d, 1844.

A bill for the benefit of Johnson Haily and Randolph Haily.

A bill to amend the charter of the City of Lexington.

A bill for the benefit of Nancy Adams, a lunatic.

A bill for the benefit of Sarah E. Snead, an infant, of the City of Louisville.

A bill for the benefit of William Haydon, an idiot.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, reported a bill to repeal an act, entitled, an act to regulate the sale of slaves taken under execution, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was ordered to be engrossed and read a third time.

Mr. Hardin, from the same committee, to whom was referred a bill, entitled, an act to authorize the Surveyor's books of Henderson county to be transcribed, and the amendments proposed by the House of Representa-

tives thereto, reported the same with an amendment to the said amendments, which was concurred in, and the said amendments as amended, were then concurred in.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the charters of the cities of Louisville and Covington, reported the same without amendment, and the said bill was placed in the orders of the day.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the town of Lancaster, approved February 23d, 1837, and for other purposes, reported the same with an amendment, which was concurred in;

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Daniel Lyle, deceased, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act providing for a change of venue to Tarlton Borer, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,
Bennett,
Boyd, A.
Boyd, W. P.
Bradford,
Conner,
Drake,

Field,
Fox,
Gilles,
Harris,
Helm,
Huston,
Marshall,

McElroy,
Newell,
South,
Wallace,
Walker,
Winfrey,
Woodson—21.

Those who voted in the negative, were—

Messrs. Crenshaw,	McAfee,	Rodes,
Gray,	Patterson,	Swope,
Hardin,	Peyton,	Taylor—10.
Holloway,		

Resolved, That the title of the said bill be as aforesaid.

At 20 minutes before 5 o'clock, P. M., Mr. Harris moved that the Senate do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Taylor and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	Newell,
Boyd, W. P.	Helm,	Patterson,
Drake,	McAfee,	Peyton,
Fox,	McElroy,	Swope—13.
Gilliss,		

Those who voted in the negative, were—

Messrs. Bennett,	Gray,	South,
Boyd, A.	Hardin,	Taylor,
Bradford,	Holloway,	Wallace,
Carpenter,	Huston,	Walker,
Conner,	Marshall,	Winfrey,
Crenshaw,	Rodes,	Woodson—19.
Field,		

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to incorporate the town of Smithland, and for other purposes, approved March 8, 1843, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace to Barren county, and for other purposes, and the amendment proposed by the Senate thereto, reported the same with the opinion of the committee that the Senate insist on their amendments.

Resolved, That the Senate insist on their amendments to said bill.

Mr. Hardin, from the same committee, to whom was referred a bill, entitled, an act to change the times of holding the Muhlenburg and Boyle Circuit Courts, and the amendments proposed thereto, by the House of Representatives, reported the same.

The said amendments were concurred in with amendments.

And then the Senate adjourned.

TUESDAY, FEBRUARY 4, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to continue the place of voting at the house of Benjamin E. Garnett, in the town of Landing.

An act for the benefit of John Allen.

An act to change the place of voting in the Piner precinct, in Kenton county, and for other purposes.

An act permitting A. Rawlings to erect a mill dam across Licking river.

An act authorizing J. Asberry to build a dam across Main Licking river, and for other purposes.

An act to establish the Cane Spring precinct, in Madison county, and for other purposes.

An act to amend an act, entitled, an act to release to Ohio county the interest of the State in the Hartford Bridge Company.

An act concerning the town of Versailles.

An act for the benefit of Stephen Atherton.

An act for the benefit of Fanny Beal and Susannah McGarey.

An act divorcing Charles S. Graham.

An act for the benefit of the widow and heirs of Morris Tudor, deceased.

An act to incorporate the Trustees of the Sharon Presbyterian Church, in Bracken county.

An act authorizing the County Court of Daviess to lease a portion of the Public Square in the town of Owensboro'.

An act granting a change of venue to Henry Huffman.

Approved February 1, 1845.

That they had passed bills from the Senate, of the following titles, to-wit:

An act to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved February 22, 1844.

An act for the benefit of Samuel May.

An act to amend the several acts concerning the Newport Seminary or Academy.

With an amendment to the last bill.

That they had passed bills of the following titles, to-wit:

1. An act to repair Lock and Dam No. 1, on Barren river.

2. An act to declare Staten Camp Creek navigable, and for other purposes.

3. An act to repeal an act declaring Stinking Creek, in Knox county a navigable stream.

4. An act to establish a State road from Canton, in Trigg county, to Mills' Point in Fulton county.

5. An act to incorporate the Greensburg Philalethic Society.

On the motion of Mr. Drake, the vote by which a bill, entitled, an act directing tolls on Turnpike roads to conform to the standard of federal coin, was passed, was re-considered.

Amendments were offered to the said bill by way of engrossed ryder, and rejected.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Field, leave was given to bring in the following bills, to-wit:

1. A bill for the benefit of William N. Bullitt & Co.

2 A bill to provide for the removal of suits in chancery from the Jefferson Circuit Court to the Louisville Chancery Court.

The committee on the Judiciary was directed to prepare and bring in the 1st; and Messrs. Field, Fox and Huston were appointed a committee to prepare and bring in the 2d.

The following bills were reported, to-wit:

By Mr. Newell, from a select committee:

A bill to authorize the opening of a State road from Colemansville, in Harrison county, by Falmouth to Foster's landing on the Ohio river, in Bracken county.

By Mr. Hardin, from the committee on the Judiciary:

A bill for the benefit of Susan R. Gist.

A bill to revive and continue in force an act, entitled, an act to establish the town of Stamping Ground, in Scott county, approved January 24, 1834.

A bill to provide for a change of venue in the prosecution against Benjamin E. F. Lee.

Which bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to provide for a

change of venue in the prosecution against James Williams, reported the same with amendments, which were concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act providing for a change of venue in the prosecution against Morton Pennington, reported the same with an amendment, which was disagreed to.

Mr. Peyton moved to amend the said bill by striking out the county of "Todd" wherever it occurs, and inserting "Butler," as the county to which the venue is to be changed.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and A. Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Dyer,	McElroy,
Bennett,	Gray,	Patterson,
Boyd, W. P.	Hardin,	Peyton,
Bradford,	Holloway,	Taylor,
Carpenter,	Key,	Wallace,
Crenshaw,	Marshall,	Woodson—18.

Those who voted in the negative, were—

Messrs. Boyd, A.	James,	South,
Conner,	McAfee,	Swope,
Fox,	Newell,	Walker,
Gilless,	Palmer,	Winfrey—13.
Harris,		

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

The Senate resumed the consideration of a bill, from the House of Representatives, entitled, an act the better to protect the purity of elections.

Mr. Newell having moved an amendment,

Mr. Woodson moved the previous question.

And the question being taken, shall the main question be now put? it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harris and Wallace, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Gilless,	Peyton,
Carpenter,	Gray,	Rodes,
Crenshaw,	Hardin,	Taylor,
Dyer,	Holloway,	Walker,
Field,	Key,	Winfrey,
Fox,	Patterson,	Woodson—18.

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	McElroy,
Boyd, A.	Helm,	Newell,
Boyd, W. P.	Huston,	Palmer,
Bradford,	James,	South,
Chenault,	Marshall,	Swope,
Conner,	McAfee,	Wallace—19.
Drake,		

The amendment moved by Mr. Newell, proposes to add to the twelfth section of the bill, these words, "or satisfactory evidence by one or more respectable witnesses, be given to the Judges of election of naturalization."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Newell and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	James,	Newell,
Boyd, A.	Marshall,	South,
Conner,	McAfee,	Swope,
Harris,	McElroy,	Wallace—12.

Those who voted in the negative, were—

Messrs. Bennett,	Fox,	Palmer,
Boyd, W. P.	Gilless,	Patterson,
Bradford,	Gray,	Peyton,
Carpenter,	Hardin,	Rodes,
Chenault,	Helm,	Taylor,
Crenshaw,	Holloway,	Walker,
Drake,	Huston,	Winfrey,
Dyer,	Key,	Woodson—25.
Field,		

The twelfth section of the said bill is as follows, viz:

SEC. 12. In all cases where naturalized citizens are permitted to vote, they shall be required to present their naturalization papers to the Judges, unless it is personally known to one of them, that such person or persons have been regularly naturalized.

Mr. Helm moved to amend the said bill by striking out the said section, and inserting in lieu thereof, the following, viz:

In all cases where any person claiming to be a naturalized citizen, may wish to vote at any place of voting where, by law he would be entitled to vote, he shall produce to the Judges of the election the record evidence of his naturalization, unless he will make oath that he has been within the United States for seven years preceding his offer to vote. The Judges shall, in that case, propound to him the following questions: have you made your declaration of your intention to become a citizen of the United States? Have you taken the oath of allegiance. If these questions be answered affirmatively, have you the evidences of your naturalization with you, or under your control. If he answers no, he shall then be asked in what Court or Courts did you make your declaration, and take the oath of allegiance, upon answering these questions satisfactorily, he shall be permitted to vote. It shall be noted in the column "naturalized citizen sworn." Upon any indictment found against any such person for perjury or voting against the provisions of this act, it shall be the duty of such person on the trial to produce the record evidence of his naturalization, which, when produced, shall be received as evidence of the fact. In all cases where a copy from the records is relied upon, such copy shall be received, when certified by the Clerk of the Court, accompanied by his seal of office.

The question was then taken on the adoption of the said amendment, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Newell and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Huston,	Palmer,
Boyd, A.	James,	South,
Conner,	Marshall,	Swope,
Drake,	McAfee,	Wallace,
Harris,	McElroy,	Walker,
Helm,	Newell,	Winfrey—18.

Those who voted in the negative, were—

Messrs. Bennett,	Field,	Patterson,
Boyd, W. P.	Fox,	Peyton,
Bradford,	Gilles,	Rodes,
Carpenter,	Gray,	Slaughter,
Chenault,	Hardin,	Taylor,
Crenshaw,	Holloway,	Woodson—20.
Dyer,	Key,	

Mr. Wallace moved to amend the said bill by striking out the said twelfth section.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wallace and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	McAfee,
Boyd, A.	James,	McElroy,
Conner,	Marshall,	Wallace—10.
Drake,		

Those who voted in the negative, were—

Messrs. Bennett,	Gray,	Peyton,
Boyd, W. P.	Hardin,	Rodes,
Bradford,	Helm,	Slaughter,
Carpenter,	Holloway,	South,
Chenault,	Huston,	Swope,
Crenshaw,	Key,	Taylor,
Dyer,	Newell,	Walker,
Field,	Palmer,	Winfrey,
Fox,	Patterson,	Woodson—28.
Gilless,		

Mr. Harris moved to amend the said bill by adding to the twelfth section these words, viz :

“Or prove to the satisfaction of the Judges of the election, by one or more respectable witnesses, who are not of foreign birth, that the naturalization papers of the person who offers to vote, were once in his possession, and have been lost or destroyed.”

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Harris and Newell, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	McElroy,
Boyd, A.	James,	Newell,
Conner,	Marshall,	South,
Drake,	McAfee,	Wallace—12.

Those who voted in the negative, were—

Messrs. Bennett,	Gilless,	Peyton,
Boyd, W. P.	Gray,	Rodes,
Bradford,	Hardin,	Slaughter,
Carpenter,	Holloway,	Swope,
Chenault,	Huston,	Taylor,
Crenshaw,	Key,	Walker,
Dyer,	Palmer,	Winfrey,
Field,	Patterson,	Woodson—25.
Fox,		

The said bill was further amended.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. A. Boyd and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bennett,	Fox,	Patterson,
Boyd, W. P.	Gilles,	Peyton,
Bradford,	Gray,	Rodes,
Carpenter,	Hardin,	Slaughter,
Chenault,	Helm,	South,
Crenshaw,	Holloway,	Taylor,
Drake,	Huston,	Walker,
Dyer,	Key,	Winfrey,
Field,	Palmer,	Woodson—27.

Those who voted in the negative, were—

Messrs. Ballard,	James,	Newell,
Boyd, A.	Marshall,	Swope,
Conner,	McAfee,	Wallace—11.
Harris,	McElroy,	

The constitutional rule as to the third reading being dispensed with, The question was taken on the passage of the said bill, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Newell and Patterson, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Fox,	Patterson,
Boyd, W. P.	Gilles,	Peyton,
Bradford,	Gray,	Rodes,
Carpenter,	Hardin,	Slaughter,
Chenault,	Helm,	South,
Crenshaw,	Holloway,	Taylor,
Drake,	Huston,	Walker,
Dyer,	Key,	Winfrey,
Field,	Palmer,	Woodson—27.

Those who voted in the negative, were—

Messrs. Ballard,	James,	Newell,
Boyd, A.	Marshall,	Swope,
Conner,	McAfee,	Wallace—11.
Harris,	McElroy,	

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to amend the revenue laws, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Finance.

Mr. Hardin, from the committee on the Judiciary, reported a bill for the

benefit of John R. Wharton, and the heirs of William Clements, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The committee of the whole House was discharged from the further consideration of a bill to increase the resources of the Sinking Fund, and to provide for the burning of certain State bonds and coupons.

The said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill authorizing settlements to be made with the President of the Bank of the Commonwealth, and the Board of Commissioners of the Sinking Fund, was taken up, and is as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Governor be, and he is hereby authorized to appoint two qualified persons, whose duty it shall be, during the year 1845, to audit and settle the accounts of O. G. Cates, as President of the Bank of the Commonwealth of Kentucky, and ascertain what amount of money said Cates has received since his first election as the President of said Bank; and how he has disbursed the same. If, in the opinion of said persons, any part of the money received by said Cates, have been misapplied, they shall report the same. To enable said persons to effect a settlement with said Cates they may demand of him to exhibit an account of his receipts verified by affidavit.

SEC. 2. It shall be the duty of said Cates to sell, at public sale, after having given reasonable notice of the time and place of sale, the real estate to which said Bank has the legal title, on such credits as he may deem advisable, not exceeding one and two years, reserving a lien on the land for the purchase money. Deeds made and executed according to the form of law, by said Cates as President of said Bank, to the purchaser, shall, to all intents and purposes, vest the purchaser with such title as the State of Kentucky, or said Institution, has. It shall be the duty of said Cates to report to the Legislature the amount and terms of any sale effected by him. He shall also report what, in his opinion, would be the best mode to realize any thing from that portion of the debt due the Bank, now regarded as unavailable.

SEC. 3. *Be it further enacted*, That the persons, so appointed, shall also audit and settle the accounts of the Board of Commissioners of the Sinking Fund, and allow such evidences of payment as in their opinion would be just and proper. If payments have been made without authority of law, and not properly incident to the business transactions of the Board, or unreasonable and disproportionate allowances made for services rendered said

Board, either by one of their own body or a third person, the same shall be reported, specifying the particular item, and to whom and when paid. They shall report the gross sum of receipts and disbursements each year separately, dividing only the contingent expenses from interest payments in each year. They shall make reports of the settlements effected under this act, to the Governor, who shall communicate the same to the General Assembly.

SEC. 4. That the persons, so appointed, shall receive adequate compensation for their services, to be determined by the Governor after the same have been rendered; whose duty it shall be to certify the amount to the Second Auditor of Public Accounts, who shall draw his warrant on the Treasury in favor of said persons, for the amount so certified, and the Treasurer is directed to pay the same out of the Treasury.

Mr. James moved to amend the said bill by striking out so much as authorizes the Governor to appoint the persons to settle the accounts of said President and Commissioners, and to insert that the persons to settle said accounts be appointed by the Legislature.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Wallace, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Marshall,	South,
Boyd, A.	McAfee,	Swope,
Chenault,	McElroy,	Wallace,
Conner,	Newell,	Walker—13.
James,		

Those who voted in the negative, were—

Messrs. Bennett,	Fox,	Key,
Boyd, W. P.	Gilles,	Palmer,
Bradford,	Gray,	Patterson,
Carpenter,	Hardin,	Peyton,
Crenshaw,	Helm,	Rodes,
Drake,	Holloway,	Taylor,
Dyer,	Huston,	Winfrey—22.
Field,		

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The committee of the whole House, on the State of the Commonwealth, was discharged from the further consideration of the remonstrance and other documents and report of the committee on Privileges and Elections, in relation to the election of Thomas H. Bradford, as Senator from the 27th Senatorial District.

On the motion of Mr. Winfrey, the said remonstrance, documents and report were laid on the table.

Mr. Helm, from the committee on the Sinking Fund, made the following report, viz:

The committee on the Sinking Fund, in the Senate, have bestowed some reflection upon the subjects referred to them, and beg leave to report:

That the interest due the 1st day of January, 1845, was promptly paid. The Board of Commissioners of the Sinking Fund have at their disposal an amount sufficient to pay the coming July instalment, and that to meet that of January, 1846, they will need \$25,304 70. This calculation is made, including, with the other funds, the surplus on hand in the Bank of America, amounting to \$10,000, the amount to be paid in by the Board of Internal Improvement, derived from the Kentucky River Navigation for the year 1844, of \$7,000, together with the amount of cash now on hand, paid in by the Railroad lessees, being the sum of \$6,408 43; and leaving the School System a charge upon the ordinary revenue, and disconnected with the proceeds of the Sinking Fund. That deficiency may be made up in the following manner: The lessees of the Railroad have the right to pay the amount due from them in State bonds, which are now, and probably will remain, at least during the present year, at, or above par. If so, they will pay, in money, the sum of \$17,000. The rent of the Penitentiary is \$5,000. If this payment is insisted upon, the two combined will reduce the balance to the sum of \$3,304 70. Should both those sources fail, it is confidently believed that the early adjournment of the present session of the Legislature will leave a balance in the Treasury, greater than that estimated by the Second Auditor, equal to the whole deficit. But should all those sources fail, the deficiency may be easily supplied by anticipating the 5 cents revenue, payable after the 10th day of October, 1845, and during the succeeding winter: nor would that be out of the ordinary course pursued by the Commissioners of the Sinking Fund.

An idea seems to prevail, that the Commissioners of the Sinking Fund can pay the interest account of 1845, and have on hand a surplus, on the 1st day of January, 1846, the sum of \$79,526 00, less by the corrections of over estimates; which balance is ascribed to the use of \$75,523 25, being the balance of the proceeds of a State bond, sold to purchase Bank stock, and which was, in June last, transferred to the credit of the Commissioners of the Sinking Fund, and placed on deposit in the Bank of America. From that opinion your committee beg leave most respectfully to dissent, if, in that calculation, due regard has been paid to the ability of that Fund to meet the interest account of 1846. That balance is produced by taking the balance in the Treasury, of the 5 cents revenue, after paying the January instalment, which is paid in after the 10th day of October, 1844, and during the present winter, and combined with the whole of the revenue due after the 10th day of October, 1845, and payable during the succeeding winter, estimated at \$110,000, and leaving the year 1846 to depend upon the resources of the Sinking Fund, other than the 5 cents revenue tax. This would place the Commissioners of the Sinking Fund in a condition, in the month of December, 1845, to anticipate the whole of the 5 cents revenue coming in after the 10th day of October, 1846, which, unless it be increased, would be found inadequate to the payment of the instalment due on the 1st day of January, 1847, and the Com-

missioners compelled, in December, 1846, to rely on the Banks for aid to an amount not far short of \$100,000. The precise amount necessary to be anticipated, can only be determined by the amount of revenue paid in between the 10th day of October, and the day in December, on which it may become necessary to make remittances East. It would place the Sinking Fund in such condition, that each year would be consuming the revenues of the succeeding year, cripple its financial operations, and make the State dependent upon her Corporations for the preservation of her honor.

The \$75,523 25 have performed the important part of bringing up the arrears of the Sinking Fund, and placed the year 1845 in a condition to square the accounts of the fiscal year, in the manner prescribed above; and begin a new era in the fiscal operations of the Sinking Fund, by placing it in such condition that each year may post its accounts, and present the true balance.

The scrupulous may condemn the use of that fund, because it was in contravention of a statute of the State. But there was another statute, which made it the duty of the same functionary, to pay the interest due to the creditors of the State. If, then, there be a fault in its application, that fault is overshadowed by the redeeming virtue which is to be found in the exercise of a power, which, under the exigencies of the case, was necessary, to comply with a statute having for its moral purpose, the preservation of the honor of the State.

Your committee believe that the only true mode of ascertaining the ability of the Sinking Fund to meet the demands upon it, is to exhibit its yearly income, together with the amount yearly to be disbursed. In making this exhibit, they will apply it to the year 1846, and use, as an important item, the revenue derived from the 5 cents tax, to be paid between the 10th day of October, 1845, and the 10th day of October, 1846, and will probably be paid before the 1st day of March, 1846. That is the same item used to create the balance to which allusion has been made, and is estimated at \$110,000, a sum larger, by some several thousand dollars, than has hitherto been realized. Such an account will serve to illustrate and simplify the proposition contended for by your committee, and present a state of accounts which will, if adopted in future, place the Commissioners of the Sinking Fund in a condition not to be compelled to borrow of the Banks in June, to meet the July instalment. For instance: if the Commissioners have the control of the whole amount of the 5 cents revenue, paid in before June, estimated at \$105,000, it will enable them to meet the July instalment East, and have the benefit of the July dividends from the Banks, to aid in meeting the January instalment. And if the State is entitled to have her dividends made equal to those of Eastern stockholders, by their payment in the East, much would be saved in exchange, and the State would not be made so much to depend upon her Corporations for the preservation of her honor.

Your committee will proceed to make the exhibit, to-wit:

Tax of 5 cents on each \$100 worth of taxable property, set apart in aid of the Sinking Fund, together with one third of the amount collected from the tax on non-residents' lands, payable after the 10th day of October, 1845, and during the winter of 1846, estimated at an annual average of				\$ 105,000 00
Tax on the three Banks,				35,105 00
Dividends on 400 shares of stock in Northern Bank,				2,800 00
Dividends on \$250,000 State bond stock, in Northern Bank,				5,000 00
Dividends on 9,399 shares of stock in Bank Kentucky,				37,596 00
Amount carried forward,				\$ 185,501 00

Amount brought forward,	-	-	-	-	-	\$ 185,501 00
Dividends on 406 shares of stock in Bank of Louisville,	-	-	-	-	-	2,436 00
Estimated receipts from turnpike roads,	-	-	-	-	-	20,000 00
Estimated receipts from river navigation,	-	-	-	-	-	25,000 00
Insurance offices,	-	-	-	-	-	400 00
Broker's offices,	-	-	-	-	-	1,000 00
Total receipts for the year,	-	-	-	-	-	<u>\$ 234,337 00</u>
Amount of State debt due to in-	}	\$ 615,000 00	5 per cents.			
dividuals and Corporations,		3,637,000 00	6 per cents.			
Total,	-	-	\$ 4,252,000 00			
Total amount of interest to be paid yearly,	-	-	-	-	-	\$ 248,970 00
Amount for exchanges and contingencies,	-	-	-	-	-	2,650 00
Total yearly payments,	-	-	-	-	-	\$ 251,620 00
Deduct yearly income,	-	-	-	-	-	234,337 00
Yearly deficit to pay individuals,	-	-	-	-	-	\$ 17,283 00
Amount of Education bonds,	-	\$ 850,000 00	5 per cents.			
Do. do. do.	-	67,500 00	6 per cents.			
Amount of yearly interest on same,	-	-	-	-	-	\$ 917,500 00
	-	-	-	-	-	46,550 00
Total deficit to pay individuals and Board of Education,	-	-	-	-	-	<u>\$ 63,833 00</u>

The above differs some little from a short statement made by your committee, a few days since, from the fact that \$17,000 in bonds, paid in by the lessees of the Railroad, have been or are to be cancelled, and was deducted from the debt, which, of course, reduced the interest account.

In making the above estimate, the amounts estimated to be received from the 5 cents tax, from roads and rivers, exceed the receipts heretofore realized from those sources, by a sum not far from \$8,000. Thus the deficit from the enumerated sources, to pay interest due to individuals, and exchanges, and contingencies, will vary from eighteen to twenty five thousand dollars.

There are items which properly belong to the Sinking Fund, which cannot be relied on, which your committee have not placed in the above schedule.

The rent of the Penitentiary is \$5,000 annually. If the money be appropriated from the Treasury to cover the late accidental losses of that Institution, then the rent may be relied on. As has been remarked, the lessees of the Lexington and Ohio Railroad, have their election to pay in money or State securities. If the market value of our State securities shall be below par value, then it may be confidently expected that the whole sum will be paid in State bonds. If so, it will reduce the principal of the debt, and, consequently, the interest account; but it cannot be considered a reliable source of revenue, to pay the interest account. Whatever surplus there may be in the Treasury, over \$10,000, is, by law, to be transferred to the credit of the Commissioners of the Sinking Fund. That surplus, dependent upon the value of taxable property, and the expenditures of the Government, cannot be relied upon with any certainty.

It is hoped by your committee, that the resources of the Sinking Fund will, at no distant day, receive considerable aid from the dividends on Bank stock in the Bank of Kentucky, when that Institution shall recover the severe shock inflicted by the Levis fraud. It will be perceived, however, that the certain and reliable sources of the Sinking Fund, will not yield enough to

pay the whole interest due upon it, to individuals, and the Board of Education, by the sum of \$63,833 annually. An increase of taxation of one cent on each one hundred dollars worth of property, would place the Sinking Fund in a condition to be perfectly able to meet the interest due annually to individuals. Three and one half cents would enable it to meet all its yearly demands, payable to individuals and to the Board of Education.

The true province of a Sinking Fund is to pay the annual interest, and gradually sink the principal. But as the State debt has been incurred by making permanent improvements in the country, which, with their accruing profits, will be handed over to posterity, your committee think the burthen of their cost should be borne in equal and just proportions, by those who, from time to time, may be in the receipt of their benefits and profits.

The period fixed for the payment of the principal, is at so distant a day, allowing many new sources of revenue to present themselves, between now and then, your committee will not venture to present any financial scheme, with a view to its operation on the principal, except by the safe investment of occasional balances which may occur, by a prudent and discreet provision for paying the interest. The resources of the Sinking Fund should not be confined to the exact amount of its disbursements, if made to apply to the interest alone. It ought to be provided with a surplus, bearing an economical proportion to the amount annually to be disbursed, with a view to guard against casualties—a precaution which has been found to be necessary to every disbursing department. This principle will apply with more force when the sources from whence the Fund derives its revenues, is subject to ebbs and flows, and casualties which may, and probably will, occur.

If provision be thus made, it is probable balances may occur, which, by the employment of a prudent financial agent, might be profitably invested in the purchase of stock, in any of the Banks of Kentucky, or applied to the purchase of our State bonds. If that could not be done with profit, the State has the right to subscribe \$300,000 as stock, in the Bank of Kentucky, and five hundred thousand in the Bank of Louisville, so that if a surplus should occur, it need not remain idle longer than the fact can be ascertained; and whilst it would be made to yield a profit to the State, it would add to the circulation, and give aid to the commercial operations of the country.

But it may be asked why is the Sinking Fund less able now than heretofore, to meet the demands upon it? Your committee will state one or two prominent facts, connected with the monetary transactions of the Sinking Fund, within the last four years, and leave the enquirer to judge of the future by the past.

Commencing in December, 1840, and ending in December, 1844, inclusive of both months, it has been found necessary, according to the accounts rendered, to use \$150,254 62, which formed no part of the yearly resources of the Sinking Fund. By the use of that fund, the year 1845 has been able to present the financial condition given in the first part of this report, leaving no arrears known to your committee. The sums alluded to, are \$75,523 23 mentioned in this report. Under the provisions of an act of Congress, the Treasurer of the United States, from the proceeds of the sales of public lands, made a deposite in the Bank of America, to the credit of the State of Kentucky, of the sum of \$24,731 37. By a statute of Kentucky, that sum was placed to the credit of the Commissioners of the Sinking Fund. It ap-

pears, by a running account between the Commissioners of the Sinking Fund and the Bank of Kentucky, commencing in December, 1840, and ending in July, 1844, that the Commissioners of the Sinking Fund became indebted to the Bank for advancements made to pay interest, the sum of \$50,000. That balance was liquidated by the payment, on the part of the Governor, of \$50,000 in State Internal Improvement bonds, and now constitutes a part of the State debt.

Your committee beg leave most respectfully to express it as their decided opinion, that it is at war with every principle of economy, for a State owing no more than Kentucky, with her abundant resources, to commence a system of funding or compounding her interest debt. In the opinion of your committee, the true policy of the State is, to ascertain her liabilities, incur no additional debt, unless demanded by considerations of public policy, well understood, and adopt that wholesome, but familiar maxim of every well regulated family, "let's pay as we go." It will be found the best guaranty against extravagance.

The Sinking Fund was created for the purpose of paying the interest on bonds sold and to be sold, for the purpose of progressing with a system of Internal Improvements. In the year 1838, by the provisions of an act of the Congress of the United States, to deposite the surplus revenue of the United States with the States, the Commissioners of the Sinking Fund became invested with the sum of \$850,000, called the School Fund; the interest of which was forever dedicated and set apart to sustain a system of common education. By the provisions of the law placing this fund at the disposal of the Commissioners of the Sinking Fund, they vested that sum in 5 per cent. State Internal Improvement bonds. That investment was, at the time, thought wisest and most prudent; having due regard to the interest of the State and the safety and profit of the investment. It was sanctioned by the succeeding Legislature, without distinction of party. A portion of the profits of that fund has been vested in a State bond or bonds, amounting to the sum of \$67,500, bearing an interest of six per cent. Those two sums combined, produce the aggregate of \$917,500, bearing an annual interest of \$46,550; which, by law, is now as much a charge on the Sinking Fund, as the interest due to individuals. Since the creation of the Sinking Fund, it has received additions from increased sources; and sustained losses, in part by the enactment of laws, and in part by fraud. It has been thought wise to increase the public debt, for the purpose of completing some portions of the Internal Improvements. From this combination of causes, the Sinking Fund has been rendered unable to accomplish the purposes of its creation.

In this condition, the moneys arising from the Sinking Fund will be a source of continual legislative strife between those whose philanthropy has brought their minds to the conclusion that the public honor is as much at stake in sustaining a system of common education, as in paying the interest due to individuals, and those who believe the system of common school education a domestic policy, and that the first and highest obligation is to preserve the public honor, by the payment of interest due to individuals, who have parted with their money at the solicitation of the State. Your committee are sensible of the high obligations imposed on every community to educate the children of the country, and would most heartily co-operate in any plan sanctioned by the public will. But they regard the education of

the children of the country, by the use of the means of the people, as a domestic policy, which ought to be pursued and considered with reference to the burthens imposed upon the community. The amount of the State debt is fixed, and its interest ascertained, and it must be met. The public honor is a unit, and involves the private honor of every citizen. It cannot be parcelled between parties. It cannot be delayed. It must be preserved.

If, in this condition, the community consider the pledge to carry on a system of common school education as sacred and inviolable, and bid the Sinking Fund to pay the interest due to the Board of Education, then the means must be provided to pay the interest due to individuals. On the other hand, if the community believe the public honor at stake, in the payment of interest due to individuals, and determine to preserve it, the means must be provided to prosecute the system of education, or it must be regarded as a popular delusion. The amount necessary to sustain Common Schools, is gradually progressive, whilst the interest due to individuals is certain. The necessity of separating the fund must be apparent to every reflecting mind. Remaining as it does, it will be the subject of repeated legislative scuffles, endangering the public honor on the one hand, and retarding the progress of schools on the other; rendering the system of schools unequal, and producing frequent disappointment in those who are taught to believe the rich bounty of the Government is in store for them.

In this feeble and crippled condition of the Sinking Fund, the Commissioners have frequently found it necessary to borrow large sums of money, in anticipation of the revenues placed under their control. Your committee doubt the policy of permitting the Sinking Fund to remain in a condition to make this necessary, because they doubt the propriety of thus, for the time, rendering the Banks the less able to accommodate the community, as they doubt the propriety of permitting any of the functionaries of the Government to borrow money on the faith of the State, without express authority of law. Whilst there should exist a mutual determination upon the part of the State and its Corporations, to maintain, by all honorable means, the credit of both, the Government ought to be placed in a condition to feel a manly independence. The aid which was necessary to maintain the public faith, has, at all times, been promptly rendered by the Banks. The promptness with which this auxiliary aid has at all times been rendered, but reflects the true character of Kentuckians, in the persons of the officers of those Institutions.

Your committee will now proceed to recapitulate the State debt. The amount of debt now due to individuals, is \$4,262,000; of this sum \$615,000 bears an interest of five per cent: \$3,637,000 six per cent. The interest on \$3,495,500 is payable in New York, amounting annually to the sum of \$227,980. The interest on the remaining part of the debt, is payable in Kentucky. There is a balance not redeemed or exchanged, of \$129,000 of six year bonds, due in February, 1846. The sum of \$82,000 six year bonds, issued to repair the Lexington and Ohio Railroad, still remain unredeemed, and become due in March, 1848. The first of the 30 year bonds become due in February, 1865.

There is another debt, not included in the list given. The State pledged its faith as the security of the Lexington and Ohio Railroad Company, for \$150,000, which sum is, by the acquisition of the Road, made the debt of the State. The annual interest on that sum is paid out of the Treasury.

To meet this indebtedness, the State now owns \$1,094,000 in Bank stock,

in Banks whose charters expire about the time of the maturity of the 30 year bonds. This fund, prudently managed, and gradually increased, will be made to act an important part in liquidating the State debt. In addition to this, the State now owns the Lexington and Ohio Railroad. Its annual rent is \$17,000; that is the best evidence your committee have of its value. If it shall continue thus productive, it will pay the interest, and, at no distant day, pay the principal of its cost to the State.

JOHN L. HELM, *Chairman.*

Ordered, That the Public Printer print 500 copies of the said report for the use of the General Assembly.

A bill for the benefit of the Kentucky Institution for the Education of the Blind, was taken up, amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of said bill being dispensed with and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill prescribing the duties of the Board of Commissioners of the Sinking Fund, and directing that all moneys set apart to constitute a Sinking Fund, shall be paid into the Treasury, was ordered to be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	McElroy,
Boyd, A.	Hardin,	Newell,
Boyd, W. P.	Harris,	Palmer,
Bradford,	Helm,	Patterson,
Carpenter,	Huston,	Peyton,
Chenault,	James,	South,
Conner,	Marshall,	Wallace,
Drake,	McAfee,	Winfrey—25.
Dyer,		

Those who voted in the negative, were—

Messrs. Crenshaw,	Rodes,	Walker,
Field,	Slaughter,	Woodson—8.
Fox,	Taylor,	

Resolved, That the title of the said bill be as aforesaid.

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 5, 1845.

A message was received from the House of Representatives, announcing that they had passed a bill from the Senate, entitled, an act concerning the town of Augusta.

That they had passed bills of the following titles, to-wit:

1. An act to regulate the tolls on the Kentucky river.
2. An act for the benefit of George Mulliken.
3. An act to establish the town of Rowena, on the land of John Leve-ridge, in Russell county, and for other purposes.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading of the said bills being dispensed with: the 1st was referred to the committee on Internal Improvement; the third to the committee on the Judiciary; and the second was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

Resolved, That the said 2d bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Key, the vote referring the 1st bill to the committee on Internal Improvement, was re-considered.

It was moved that the said bill be referred to the committee on Finance.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and W. P. Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Gray,	McElroy,
Boyd, A.	Harris,	Newell,
Boyd, W. P.	Holloway,	Patterson,
Conner,	James,	Peyton,
Drake,	Key,	South,
Fox,	Marshall,	Winfrey—19.
Gilless,		

Those who voted in the negative, were—

Messrs. Ballard,	Field,	Swope,
Bradford,	Hardin,	Taylor,
Carpenter,	Huston,	Wallace,
Chenault,	McAfee,	Walker,
Crenshaw,	Rodes,	Woodson—16.
Dyer,		

Mr. Gray moved to re-consider the vote by which a bill from the House of Representatives was passed, entitled, an act providing for a change of venue in the prosecution against Morton Pennington.

The question being taken thereon, it was decided in the negative.

A message was received from the House of Representatives, by Mr. Hardy, announcing that they had appointed a committee of conference on the disagreement between the Houses, on a bill from that House, entitled, an act to allow an additional Justice of the Peace to Barren county, and for other purposes, and requested the appointment of a committee on the part of the Senate; whereupon, Messrs. Hardin, Patterson and Taylor were appointed a committee on the part of the Senate.

A bill from the House of Representatives, entitled, an act to divorce Sinclair Stapp, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Religion.

After a short time Mr. Rodes, from that committee, reported the said bill.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act for the benefit of John W. Whitaker, Collector of fines in the 21st Regiment of Kentucky Militia.

An act to amend an act, entitled, an act to incorporate the town of Smithland, and for other purposes, approved March 8, 1843.

An act providing for a change of venue to Tarlton Boren.

An act for the benefit of the heirs of Daniel Lyle, deceased.

An act for the benefit of John Reynolds.

An act to amend the road law of Campbell county, and for other purposes.

An act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28, 1830.

An act to amend an act, approved March 2d, 1844, entitled, an act to regulate the management of the Wilderness road, and for other purposes.

And enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to allow an additional Justice of the Peace to Carter county, and for other purposes.

An act declaring Bear Creek and Little Barren river navigable streams.

An act to regulate the terms of the Spencer Circuit Court.

An act to change the time of holding the Larue County Court, and for other purposes.

An act for the benefit of Samuel May.

An act to amend an act, entitled, an act to amend the charter of the Louisville and Portland Canal Company, approved February 22, 1844.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

A message, in writing, containing the nomination of Militia Officers, was received from the Governor, by Mr. Mitchell, Assistant Secretary of State.

Mr. Hardin, from the committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, to-wit:

An act to amend an act incorporating the town of Paducah, and for other purposes.

An act for the benefit of John B. McIlvaine.

An act to amend an act, entitled, an act for the benefit of Paulina G. Rodes and her children.

An act for the benefit of William Pryor.

An act for the benefit of Martha Beard, committee for Martha Ann Beard.

An act to regulate the time of holding the Rockcastle County Court, and for other purposes.

An act to authorize a change of venue in the case of James Hildreth.

An act to change the venue in the case of John Cook, of the City of Louisville, charged with arson.

Reported the same without amendments.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin from the same committee, reported a bill providing for a change of venue in the prosecution against Ned, a slave.

2. A bill to incorporate the Kentucky and Ohio Bridge Company.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with: the 1st was ordered to be engrossed and read a third time, and the 2d was placed in the orders of the day.

The constitutional rule as to the third reading of the 1st bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the 8th and 18th Judicial Districts, reported the same with the opinion of the committee that it ought not to pass.

The said bill reads as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, the counties of Barren, Hart and Grayson shall be added to, and compose a part of, the 8th Judicial District; and the counties of Adair, Russell and Clinton shall be added to, and compose a part of, the 18th Judicial District of this Commonwealth.

SEC. 2. *Be it further enacted*, That the county of Wayne be, and the same is hereby, added to, and shall compose a part of, the 18th Judicial District.

Mr. Fox moved to strike out the first section of the said bill, after the enacting clause.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Winfrey and Fox, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Fox,	McElroy,
Bennett,	Gilles,	Newell,
Boyd, A.	Gray,	Palmer,
Boyd, W. P.	Hardin,	Peyton,
Chenault,	Helm,	Wallace,
Conner,	James,	Winfrey,
Drake,	Key,	Woodson—23.
Dyer,	Marshall,	

Those who voted in the negative, were—

Messrs. Bradford,	Holloway,	Rodes,
Carpenter,	Huston,	Swope,
Crenshaw,	McAfee,	Taylor,
Field,	Patterson,	Walker—13.
Harris,		

Mr. Fox moved to strike out the word "eighteenth," in the second section, and insert in lieu thereof the 8th, being the number of the district.

Mr. Crenshaw moved to lay the said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and Crenshaw, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Helm,	Rodes,
Boyd, W. P.	Holloway,	Slaughter,
Bradford,	Huston,	Swope,
Carpenter,	McElroy,	Taylor,
Crenshaw,	Newell,	Walker,
Field,	Patterson,	Winfrey,
Gray,	Peyton,	Woodson—21.

Those who voted in the negative, were—

Messrs. Ballard,	Fox,	Marshall,
Boyd, A.	Gilless,	McAfee,
Chenault,	Hardin,	Palmer,
Conner,	Harris,	South,
Drake,	James,	Wallace—17.
Dyer,	Key,	

Bills from the House of Representatives, of the following titles, were severally read the first time, to-wit:

1. An act to run and re-mark the line between the counties of Montgomery and Morgan.
2. An act for the benefit of William B. Field, of Adair county.
3. An act to incorporate the first United German Protestant Church in the City of Louisville.
4. An act to incorporate the United Baptist Church of Garnettsville.
5. An act to revive and continue in force the several acts concerning the town of Concord, in Lewis county, and for other purposes.
6. An act for the benefit of the Port Royal Seminary, in Henry county.
7. An act for the benefit of George Washington Lafayette Bradley, and for other purposes.
8. An act for the benefit of Stephen and Sarah Skaggs, of Green county.
9. An act for the benefit of Elijah McWharter, Jesse Yantis and John Beaty.
10. An act for the benefit of Shadrack Mitchell, Solomon King and James Bailey.
11. An act for the benefit of the Sheriff of Bourbon county, and for other purposes.
12. An act for the benefit of James Squires, of Bourbon county, and for other purposes.
13. An act for the benefit of the Sheriffs of Owen and Daviess counties.
14. An act for the benefit of Thomas Parker, Alexander Bruce and John Johnson, late Sheriffs of Lewis county.
15. An act for the benefit of the Sheriff of Laurel county.
16. An act to amend an act concerning the town of Newport, and for other purposes.

17. An act authorizing Nathaniel Ferguson to peddle goods without license.

18. An act to repair Lock and Dam No. 1, on Barren river.

19. An act to declare Station Camp Creek navigable, and for other purposes.

20. An act to repeal an act declaring Stinking Creek, in Knox county, a navigable stream.

21. An act to establish a State road from Canton, in Trigg county, to Mills' Point, in Fulton county.

22. An act to incorporate the Greensburg Philalethic Society.

Ordered, That said bills be read a second time.

The constitutional rule as to the second reading of said bills being dispensed with, they were referred: the 1st, 7th and 12th to the committee on Propositions and Grievances; the 2d, 9th, 10th, 11th, 13th, 14th, 15th and 17th to the committee on Finance; the 3d, 4th and 8th to the committee on Religion; the 5th and 16th to the committee on the Judiciary; the 6th and 22d to the committee on Education; and the 18th, 19th, 20th and 21st to the committee on Internal Improvement.

Mr. Swope, from the committee on Propositions and Grievances, reported a bill to provide for running and marking the dividing line between the counties of Campbell and Pendleton, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was amended, and ordered to be engrossed and read a third time.

The constitutional rule as to the third reading being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended, by adding thereto the words, "between the counties of Jefferson and Bullitt, and between the counties of Jefferson and Shelby."

An engrossed bill, entitled, an act to change the time of the annual meeting of the General Assembly of Kentucky, was read the third time as follows, to-wit:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That, hereafter, the stated annual meetings of the General Assembly of Kentucky shall commence on the first Monday in December, in each year.

The question being taken on the passage of the said bill, it was decided in the negative, and the said bill was rejected.

The yeas and nays being required thereon, by Messrs. James and Patterson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gilless,	Patterson,
Bennett,	Gray,	Peyton,
Boyd, W. P.	Hardin,	South,
Conner,	Harris,	Swope,
Crenshaw,	McAfee,	Winfrey—17.
Fox,	Newell,	

Those who voted in the negative, were—

Messrs. Boyd, A.	Field,	Rodes,
Bradford,	Holloway,	Slaughter,
Carpenter,	Huston,	Taylor,
Chenault,	James,	Wallace,
Drake,	Marshall,	Walker,
Dyer,	McElroy,	Woodson—18.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to bills from the Senate of the following titles, to-wit:

An act allowing an additional Constable to the county of Oldham, and for other purposes.

An act to authorize the County Court of Campbell to appoint a Collector of the county levy for 1843.

An act to amend the several acts concerning the Newport Seminary or Academy.

Engrossed bills of the following titles were read the third time, to-wit:

An act for the benefit of the owners of mills and other property, injured by slackwater.

An act authorizing the improvement of Capitol Square.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

An engrossed bill, entitled, an act to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth, was read the third time.

The said bill was amended by way of engrossed ryder.

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Peyton and Crenshaw, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	Newell,
Bennett,	Fox,	Palmer,
Boyd, W. P.	Gilless,	Patterson,
Bradford,	Hardin,	Rodes,
Carpenter,	Helm,	South,

Chenault,
Conner,
Drake,
Dyer,

Huston,
Key,
Marshall,
McAfee,

Taylor,
Wallace,
Woodson—26.

Those who voted in the negative, were—

Messrs. Boyd, A.
Crenshaw,
Gray,

Holloway,
James,
McElroy,

Peyton,
Walker,
Winfrey—9.

Resolved, That the title of the said bill be as aforesaid.

An engrossed bill, entitled, an act to repeal an act, entitled, an act to regulate the sale of slaves taken under execution, was read the third time as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled, an act to regulate the sale of slaves taken under execution, "approved March 10, 1843," be, and the same is hereby repealed.

The question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Winfrey and Hardin, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,
Boyd, A.
Boyd, W. P.
Bradford,
Chenault,
Crenshaw,

Field,
Fox,
Gray,
Hardin,
Holloway,
James,

Key,
Palmer,
Patterson,
Peyton,
Taylor—17.

Those who voted in the negative, were—

Messrs. Ballard,
Carpenter,
Conner,
Drake,
Dyer,
Gilles,

Harris,
Huston,
Marshall,
McAfee,
McElroy,
Newell,

Rodes,
South,
Wallace,
Walker,
Winfrey,
Woodson—18.

A bill from the House of Representatives, entitled, an act to regulate the weight of grain, was read the third time.

The question being taken on the passage of said bill, it was decided in the negative, and so the said bill was disagreed to.

And then the Senate adjourned.

THURSDAY, FEBRUARY 6, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House, of the following titles, to-wit:

An act to extinguish the rent and title of the City of Lexington to the Railroad Depot and Warehouse.

An act to amend an act, entitled, an act to incorporate the town of Lancaster, approved February 23, 1837, and for other purposes.

An act for the benefit of the Danville Artillery.

An act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties.

An act to amend the laws upon the subject of Pedlers.

An act for the benefit of the Woodford Guards Riflemen.

An act for the benefit of the Sheriff of Nicholas county.

An act to provide for a change of venue in the prosecution against James Williams.

An act the better to protect the purity of elections.

That they had receded from their second amendment proposed to a bill from the Senate, entitled, an act to legalize the proceedings of the 115th Regiment of Kentucky Militia.

That they had concurred in the amendments proposed by the Senate, to the amendments proposed by that House, to bills from the Senate, of the following titles, to-wit:

An act to authorize the Surveyor's books of Henderson county to be transcribed.

An act to change the times of holding the Muhlenburg and Boyle Circuit Courts.

That they had passed bills from the Senate, of the following titles, to-wit:

An act giving to the Falmouth Bridge Company further time to receive subscriptions of stock, and to complete said bridge.

An act for the benefit of the heirs of William Johnson, deceased.

An act to change the county line of Washington and Marion county.

An act for the benefit of C. J. Blackburn.

An act to legalize the proceedings of the Courts of Assessment of the 17th and 36th Regiments of Kentucky Militia, and for other purposes.

An act prescribing the duties of Agents appointed to sell forfeited lands, and applying the proceeds of sales to the Sinking Fund.

An act for the benefit of the heirs of James B. Ewers, deceased.

An act to amend the charter of the Louisville and Elizabethtown Turn-

pike Company, and Covington and Lexington Turnpike Company.

An act authorizing William Read, Ignatius Greenwell and Roderic Terrill, to change the location of a fish dam on the Beech Fork.

An act for the benefit of Richard Bartlett, a Constable of Henry county.

With amendments to the three bills last named.

That they had passed a bill, entitled, an act to amend the charter of the Funk Seminary, in Oldham county.

Mr. Hardin, from the committee on the Judiciary, to whom was referred the nomination of John White to be Judge of the 19th Judicial District, of William V. Loving to be Commonwealth's Attorney, in the 6th Judicial District; and of Robert Brown, James P. Tyler, Jesse Edmonson, Robert A. Hatcher, Ralph McFadden, Shadrick Boaz, Asa W. Clark, Hugh B. French and Thomas M. Smith as Justices of the Peace of Fulton county, reported the same with the following resolution thereon, to-wit:

Resolved, That the Senate advise and consent to the said appointments.

On the motion of Mr. Harris, the consideration of the nomination of John White was postponed until to-morrow.

The said resolution, as to the other nominations, was concurred in.

On the motion of Mr. A. Boyd, the vote disagreeing to the bill from the House of Representatives, entitled, an act to regulate the weight of grain, was re-considered.

The said bill was amended.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Chenault and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Hardin,	Patterson,
Bennett,	Harris,	Peyton,
Boyd, A.	Helm,	Rodes,
Bradford,	Holloway,	Slaughter,
Conner,	James,	South,
Drake,	Key,	Taylor,
Dyer,	McElroy,	Walker,
Gilless,	Newell,	Winfrey,
Gray,	Palmer,	Woodson—27.

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Fox,	McAfee,
Carpenter,	Huston,	Swope,
Chenault,	Marshall,	Wallace—9.

Resolved, That the title of said bill be as aforesaid.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to bills from the Senate of the following titles, to-wit:

An act for the benefit of Richard Bartlett, a Constable of Henry county.

An act to amend the charter of the Louisville and Elizabethtown Turnpike company, and Covington and Lexington Turnpike Company.

An act authorizing William Read, Ignatius Greenwell and Roderic Terrill to change the location of a Fish dam on the Beech Fork.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, to-wit:

An act to regulate the terms of the Spencer Circuit Court.

An act to change the time of holding the Larue County Court, and for other purposes.

An act to allow an additional Justice of the Peace to Carter county, and for other purposes.

An act declaring Bear Creek and Little Barren river navigable streams.

Approved February 5, 1845.

A message, in writing, was received from the Governor, by Mr. Mitchell, Assistant Secretary of State.

The Senate resumed the consideration of a bill concerning joint obligors.

Mr. Harris moved an amendment to the said bill.

Mr. Winfrey moved the previous question, which was ordered.

Ordered, That the said bill be engrossed and read a third time.

The constitutional rule as to the third reading of the said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Rodes,

Ordered, That the Public Printer print 150 copies of a bill from the House of Representatives, entitled, an act to regulate the tolls on the Kentucky river.

Mr. Hardin, from the committee of conference, on the disagreement between the two Houses, on a bill from the House of Representatives, entitled, an act to allow an additional Justice of the Peace to Barren county, and for other purposes, made a report thereon, which was concurred in.

A bill providing for a final settlement with the late Keeper of the Penitentiary, and for other purposes, was taken up.

The third section of the said bill is as follows, viz:

SEC. 3. That it shall not be lawful for the Keepers to receive into the Penitentiary, any slaves for safe keeping.

Mr. Peyton moved to amend the said section by adding thereto these words, viz:

Unless they are kept in the cells at night, and when at work they shall be kept separte and apart from the prisoners.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Woodson and Patterson, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gray,	Newell,
Bradford,	Harris,	Peyton,
Carpenter,	Helm,	Rodes,
Conner,	Holloway,	Swope,
Crenshaw,	Huston,	Taylor,
Drake,	Marshall,	Wallace,
Field,	McAfee,	Walker,
Fox,	McElroy,	Winfrey—24.

Those who voted in the negative, were—

Messrs. Ballard,	Chenault,	Patterson,
Bennett,	Hardin,	Woodson—6.

Mr. Peyton moved to amend the said bill by adding thereto the following sections, viz:

SEC. 6. That the Governor be, and is hereby empowered and directed, in the name and behalf of this Commonwealth, to contract for and purchase any ground adjacent to the Penitentiary he may deem right and proper, not to exceed in value \$1,300, in order to extend the walls of said Institution, the erection of proper buildings therein, the putting a roof on the cell buildings, and the general business operations of the same: the ground thus to be purchased, not to exceed two acres.

SEC. 7. *Be it further enacted*, That in order to effect said purchase of ground, the extension of said walls, and the erection of said buildings, and the putting a new roof on the cell buildings, as aforesaid, the Governor is hereby directed and empowered, in the name and behalf of this Commonwealth, to issue and sell twenty thousand dollars of bonds or scrip, in sums of not less than one thousand dollars each, with interest thereon, at six per centum per annum, payable semi-annually, at the Treasury of this Commonwealth, and redeemable on the 1st day of March, 1849: *Provided*, The present Keepers of the Penitentiary shall first execute bond, with five or more good securities, in the penalty of forty thousand dollars, payable to the said Commonwealth, to be approved by the Governor, and conditioned to pay into the Treasury the interest on said bonds or scrip, thus to be issued and sold, as the same may become due and payable thereon at the Treasury aforesaid: and likewise, that they, the said Keepers, pay into the Treasury, on or before the said 1st day of March, 1849, the sum of twenty thousand dollars, for the redemption of the bonds or scrip to be issued and sold by the Governor, as aforesaid.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Peyton,
Boyd, W. P.	Helm,	Rodes,
Bradford,	Holloway,	Slaughter,
Carpenter,	Huston,	South,
Crenshaw,	Key,	Taylor,
Field,	Patterson,	Wallace—19.
Gray,		

Those who voted in the negative, were—

Messrs. Ballard,	Fox,	McElroy,
Boyd, A.	Gilless,	Newell,
Chenault,	Harris,	Walker,
Conner,	James,	Winfrey,
Drake,	Marshall,	Woodson—17.
Dyer,	McAfee,	

The said bill was further amended.

The question being taken on engrossing and reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Newell, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Hardin,	Peyton,
Boyd, W. P.	Helm,	Rodes,
Bradford,	Holloway,	Slaughter,
Carpenter,	Huston,	South,
Crenshaw,	Key,	Wallace,
Field,	Palmer,	Woodson—20.
Gray,	Patterson,	

Those who voted in the negative, were—

Messrs. Ballard,	Fox,	McAfee,
Boyd, A.	Gilless,	McElroy,
Chenault,	Harris,	Newell,
Conner,	James,	Taylor,
Drake,	Marshall,	Winfrey—16.
Dyer,		

On the motion of Mr. Helm,

Ordered, That the third reading of the said bill be had on to-morrow at 11 o'clock.

And then the Senate adjourned.

FRIDAY, FEBRUARY 7, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, to-wit:

An act to amend an act, approved March 2d, 1844, entitled, an act to regulate the management of the Wilderness road, and for other purposes.

An act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28, 1830.

An act for the benefit of John W. Whitaker, Collector of fines in the 21st Regiment of Kentucky Militia.

An act to amend an act, entitled, an act to incorporate the town of Smithland, and for other purposes, approved March 8, 1843.

An act providing for a change of venue to Tarlton Boren.

An act for the benefit of the heirs of Daniel Lyle, deceased.

An act for the benefit of John Reynolds.

An act to amend the road law of Campbell county, and for other purposes.
Approved February 5, 1845.

That they had concurred in the report of the committee of conference, on the disagreement of the two Houses, to the amendment proposed by the Senate to a bill from that House, entitled, an act to allow an additional Justice of the Peace to Barren county, and for other purposes.

That they had disagreed to the amendment proposed by the Senate to a bill from that House, entitled, an act providing for a change of venue in the prosecution against Morton Pennington.

That they had passed bills from the Senate, of the following titles, to-wit:

An act to give the holders of Kentucky land warrants further time to have surveys made under the same, and to return plats and certificates of survey to the Register's office.

An act to reduce into one the several acts exempting property from execution, and for other purposes.

An act to incorporate a College in the county of Union, styled the Henry Clay Institute.

An act for the benefit of the sureties of James H. McKee.

An act for the benefit of Marietta H. Estis and her children.

An act for the relief of the heirs and legal representatives of John Kek, deceased.

An act for the benefit of the heirs of John W. Wooldridge, deceased.

An act for the benefit of the heirs of Thomas Henry, deceased.

An act to extend the jurisdiction of the Trustees of the town of Princeton, in Caldwell county.

An act to amend an act, entitled, an act to provide for a change of venue in the prosecution against James B. Spratts, approved March 2, 1844.

An act for the benefit of Burr Harrison, and the infant heir of Elizabeth H. Bain, deceased.

An act to revive the act incorporating the Union White Sulphur Spring Company, approved 11th February, 1836.

An act to amend an act concerning the appointment of Trustees of the town of Port Oliver, in Allen county.

With amendments to the three bills last named.

That they had passed bills of the following titles, to-wit:

1. An act to amend the militia laws, and to increase the school fund in certain counties.

2. An act to amend the laws in relation to the inspection of salt.

The nomination of John White to be Judge of the 19th Judicial District, was taken up.

Mr. Harris read a letter from George R. McKee, and moved that the same be spread on the Journal of the Senate.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. McAfee and Harris, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Helm,	Rodes,
Bennett,	James,	Slaughter,
Conner,	Marshall,	South,
Drake,	McAfee,	Swope,
Dyer,	McElroy,	Wallace,
Fox,	Newell,	Walker,
Gilles,	Patterson,	Woodson—22.
Harris,		

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Taylor,
Crenshaw,	Holloway,	Winfrey—11.
Field,	Key,	

The said letter is as follows, viz:

FRANKFORT, FEBRUARY 7th, 1845.

GENTLEMEN: The nomination of the Hon. Jno. White, as Circuit Judge of the 19th Judicial District, in my stead, is, as I am informed, now pending before the Senate. I cannot say that I do not regret being superseded; but I will say, that I am neither mortified nor disappointed at the result. I am most grateful to you and the Representatives from the district, indeed to many other kind friends, for the interest displayed in my behalf, in regard to

this most unpleasant affair. I am gratified also, in believing the people of the District, of all parties, felt anxious for my appointment; and under that conviction I was ready to serve them.

My object however, in this hasty note is not to speak of myself, but of another. Mr. White is a gentleman of high standing and character, and a warm friend of mine. I have no belief that he has had the least agency in prevailing upon the Executive to withhold the appointment from me, but on the contrary, I have the strongest reasons to believe that he was sincerely anxious for my appointment. I have deemed it an act of justice, in defence of Mr. White, to say thus much. I hope, therefore, that no supposed wrong inflicted upon me will operate against him. I have no desire to interfere with the matter now pending before the Senate, but have addressed you this note, which I think due, as well to Mr. White as myself, which you are at liberty to use in any manner you may think proper. I have directed this note to you, being the Senators from the counties composing the Judicial District to which I had been appointed.

Very respectfully, your friend,

GEO. R. McKEE.

Messrs. H. C. HARRIS, J. W. SOUTH and WM. CONNER, Kentucky Senate.

The question was then taken on advising and consenting to the appointment of John White as Judge of the 19th Judicial District, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gray and Peyton, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Chenault,	Harris,	Slaughter,
Crenshaw,	Helm,	South,
Drake,	Holloway,	Taylor,
Dyer,	Huston,	Walker,
Field,	Key,	Winfrey,
Fox,	Marshall,	Woodson—26.
Gilless	Patterson,	

Those who voted in the negative, were—

Messrs. Ballard,	James,	Newell,
Bennett,	McAfee,	Swope,
Conner,	McElroy,	Wallace—9.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Thomas Parker, Alexander Bruce and John Johnson, late Sheriffs of Lewis county, reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Field, from a select committee, reported a bill to provide for the removal of suits in chancery from the Jefferson Circuit Court to the Louisville Chancery Court, and for other purposes, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

An engrossed bill, entitled, an act providing for a final settlement with the late Keeper of the Penitentiary, and for other purposes, was read the third time as follows, to-wit:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the General Court shall have full power and jurisdiction, upon a bill in Chancery filed for that purpose, to hear, determine, and decree, a full and final settlement of all the accounts of Thomas S. Theobald, late Keeper of the Penitentiary, with the Commonwealth, and to decree against said Keeper and his sureties, on his official bond, any balance which may be found due and owing to the Commonwealth on such final settlement.

SEC. 2. That the Governor be, and he is hereby, vested with full power and authority to contract with the Keepers of the Penitentiary, or such other person or persons as he may deem proper, for the erection of such buildings and according to such plan as he may deem necessary to carry on the business of said Penitentiary: *Provided*, That the costs of erecting said buildings shall be paid out of the State's proportion of the profits of the Penitentiary, and not otherwise.

SEC. 3. That it shall not be lawful for the Keepers to receive into the Penitentiary, any slaves for safe-keeping, unless they are kept in the cells at night, and when at work they shall be kept separate and apart from the prisoners.

SEC. 4. That it shall not be lawful for the Keepers of the Penitentiary to shave the heads of the convicts, unless they shall deem it necessary to do so as a punishment for some offence against the rules of the prison.

SEC. 5. That the contract made by the Commissioners of the Sinking Fund with Craig & Henry for the erection of a building, temporary work shops, and the purchase and erection of machinery in the Penitentiary, be, and the same is hereby, ratified and confirmed.

SEC. 6. *Be it further enacted*, That the Governor be, and is hereby empowered and directed, in the name and behalf of this Commonwealth, to contract for, and purchase any ground adjacent to the Penitentiary he may deem right and proper, not to exceed in value \$1,300, in order to extend the walls of said Institution, the erection of proper buildings therein, the putting a roof on the cell buildings, and the general business operations of the same: the ground thus to be purchased, not to exceed two acres.

SEC. 7. *Be it further enacted*, That in order to effect said purchase of ground, the extension of said walls, and the erection of said buildings, and the putting a new roof on the cell buildings, as aforesaid, the Governor is hereby directed and empowered, in the name and behalf of this Commonwealth, to issue and sell twenty thousand dollars of bonds or scrip, in sums of not less than one thousand dollars each, with interest thereon, at six per

centum per annum, payable semi-annually, at the Treasury of this Commonwealth, and redeemable on the 1st day of March, 1849: *Provided*, The present Keepers of the Penitentiary shall first execute bond, with five or more good securities, in the penalty of forty thousand dollars, payable to the said Commonwealth, to be approved by the Governor, and conditioned to pay into the Treasury the interest on said bonds or scrip, thus to be issued and sold, as the same may become due and payable thereon at the Treasury aforesaid: and likewise, that they, the said Keepers, pay into the Treasury, on or before the said 1st day of March, 1849, the sum of twenty thousand dollars, for the redemption of the bonds or scrip to be issued and sold by the Governor, as aforesaid.

SEC. 8. *Be it further enacted*, That the present Keepers of the Penitentiary shall not be required to pay interest on the property left in the Penitentiary by the late Keeper, according to the valuation as made by Messrs. Bullock and Apperson; but they, the said present Keepers of the Penitentiary, are required to pay interest at the rate of six per centum per annum, from the 1st of March, 1845, until the end of their term, on the sum of thirteen thousand and fifty eight dollars and thirty three cents, as being the supposed value of the property thus left by Thomas S. Theobald, late Keeper, and received by Craig & Henry, present Keepers. And the interest thus required to be paid on the said thirteen thousand fifty eight dollars and thirty three cents worth of property, left and received as aforesaid, when paid into the Treasury, as now required by law, shall stand as credit to the present Keepers, as so much paid towards interest due and payable by them, on the twenty thousand dollars of bonds, to be issued and sold under the provisions of the second section of this act. And a sum sufficient to pay the balance of interest on said twenty thousand dollars of bonds shall be deducted from the five thousand dollars secured by the said Keepers to the Commonwealth, as her profit from the Institution, each year, or from the amount of the State's proportion of the profits of said Institution, each year, if it shall exceed the sum of five thousand dollars, and be applied by the said Keepers to the payment of the balance of interest, if any should be due, on said bonds thus issued, as aforesaid: *Provided*, That the payment of interest on thirteen thousand and fifty eight dollars and thirty three cents, as required by this act, shall not in anywise, be construed as affecting the rights of the Commonwealth, or of the present Keepers of the Penitentiary, in relation to any contract or agreement now subsisting between the Commonwealth and the late or present Keepers of the Penitentiary, but shall only be regarded as a means of providing for the payment of the interest on the \$20,000 mentioned in this act.

SEC. 9. *Be it further enacted*, That the sum of four thousand dollars, part of the five thousand dollars heretofore secured to be paid each year into the Treasury, by the present Keepers, as the State's proportion of the profits of the Penitentiary, be, and the same is set apart, as a fund to meet the final payment of the said twenty thousand dollars of bonds. And the Governor is empowered to apply the said four thousand dollars thus paid, each year, to the purchase of all, or any of said bonds, provided the same can be had at or below par. And the Governor, for that object, is empowered to make a requisition on the Second Auditor, for warrant on the Treasury: *Provided*, That nothing in the foregoing sections of this act shall, in any-

wise alter, change or impair, in the slightest degree, any contract, bond, or obligation heretofore made with the said Keepers, or their sureties, in relation to said Penitentiary.

SEC. 10. *Be it further enacted*, That the Governor be, and is hereby directed to cause the present roof of the cell building, in the Penitentiary, to be removed, and the same re-covered with tin or other substance, in such manner as to make the same fire proof.

SEC. 11. That the Governor be, and he is hereby authorized and required to appoint some fit and capable person to examine, investigate, and settle the books of the Penitentiary, kept during the whole time Thomas S. Theobald, the late Keeper, was in office; the person thus appointed, shall have full power to audit the accounts of said Penitentiary with the State: and when he shall be of opinion that any charges are too high, or the quantity of material greater than the actual amount furnished the State, he shall have power to take the testimony of competent and experienced men; a copy of which account, with a particular note of the items or charges, corrected or changed, shall be furnished by said person to the Attorney General, who shall lay the same before the Legislature. And, for the purpose aforesaid, the books and papers of the Penitentiary shall be deposited in the office of the First Auditor, there to remain, subject to the examination of the Agent of the State, as aforesaid, and the said Thomas S. Theobald, under the inspection of said First Auditor.

SEC. 12. That the Governor shall have power to contract for the erection of suitable buildings in the Penitentiary, to carry on the business of the same; not, however, to exceed the amount directed to be invested by this act; and may advertise for proposals to erect such buildings, or any part thereof; and that the work contracted for, may be faithfully done, he may appoint suitable persons to superintend the erection of said buildings, or any part thereof.

SEC. 13. That the balance of the five thousand dollars, secured to be paid each year, to the Commonwealth, as aforesaid, by the present Keepers, shall, after the payment hereinbefore directed to be made out of that fund, be applied to the payment for the new machinery erected in the Penitentiary by the present Keepers.

SEC. 14. That the Attorney General be, and he is hereby required forthwith, to institute in the General Court, a suit in Chancery against Thomas S. Theobald, the late Keeper of the Penitentiary, and his sureties, for a final settlement of his accounts with the Commonwealth, and the recovery of whatever sum of money the Commonwealth may be entitled to; and that he also make Newton Graig and William Henry, the present Keepers of the Penitentiary, parties to said suit. And the General Court shall have jurisdiction of the cause as to them, as fully as it is given in the first section of this act, as to said Thomas S. Theobald.

The question being taken on the passage of said bill, it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Carpenter and Slaughter, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Helm,	Peyton,
Bradford,	Holloway,	Rodes,
Crenshaw,	Huston,	Slaughter,
Field,	Key,	South,
Gray,	Palmer,	Wallace—17.
Hardin,	Patterson,	

Those who voted in the negative, were—

Messrs. Ballard,	Dyer,	McElroy,
Bennett,	Fox,	Newell,
Boyd, A.	Gillless,	Swope,
Carpenter,	Harris,	Taylor,
Chenault,	James,	Walker,
Conner,	Marshall,	Winfrey,
Drake,	McAfee,	Woodson—21.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to repair Lock and Dam No. 1, on Barren river, reported the same without amendment.

Mr. Swope moved an amendment to the said bill.

Mr. Peyton moved an amendment to the said amendment.

Mr. Taylor moved the previous question, which was decided in the affirmative.

The question being taken on reading the said bill a third time, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Swope and Huston, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Carpenter,	Helm,	Slaughter,
Chenault,	Holloway,	Taylor,
Crenshaw,	James,	Wallace,
Drake,	Key,	Walker,
Dyer,	Patterson,	Woodson—22.
Field,		

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	Newell,
Bennett,	Huston,	Palmer,
Boyd, A.	Marshall,	South,
Conner,	McAfee,	Swope,
Gillless,	McElroy,	Winfrey—15.

On the motion of Mr. Helm,

Ordered, That said bill have its third reading on to-morrow at 11 o'clock.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act to regulate the tolls on the Kentucky river, reported the same with amendments.

One amendment proposes to add to the bill the following section, viz:

Be it further enacted, That the Board of Internal Improvement shall have power to alter or change the rates of tolls established by this act, for an increase or diminution of the rates upon any item: *Provided*, They shall believe that by such alteration or change, the interest of the Commonwealth will be promoted; and the Board shall report to the Legislature their reasons for such alteration or change, if any should be made.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. P. Boyd and Wallace, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Hardin,	Rodes,
Bradford,	Helm,	Slaughter,
Carpenter,	Holloway,	Swope,
Chenault,	McAfee,	Taylor,
Crenshaw,	McElroy,	Wallace,
Dyer,	Newell,	Walker,
Field,	Palmer,	Woodson—23.
Fox,	Patterson,	

Those who voted in the negative, were—

Messrs. Boyd, A.	Gray,	Marshall,
Boyd, W. P.	Harris,	Peyton,
Conner,	Huston,	South,
Drake,	James,	Winfrey—14.
Gilless,	Key,	

The other amendment was concurred in, and the bill was further amended, when the question was taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

On the motion of Mr. Helm,

Ordered, That the said bill have its third reading to-morrow at 10 minutes past 11 o'clock.

Mr. Swope, from a select committee, reported a bill to repeal the several acts granting a bounty on Silk Cocoons, reeled, sewing and manufactured silk, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was referred to the committee on Agriculture.

Mr. Huston, from the joint committee on Transylvania University, made the following report, viz:

[For the Report—see Legislative Documents.]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Mr. Huston, from the joint committee on the Lunatic Asylum, made the following report, viz:

[*For the Report—see Legislative Documents.*]

Ordered, That the Public Printer print 150 copies of the said report for the use of the General Assembly.

Two messages, received from the Governor, were taken up and read as follows, to-wit:

Gentlemen of the Senate:

I nominate for your advice and consent, Speed S. Fry to be Colonel of the 43d Regiment, in place of A. G. Kyle, resigned.

Jesse S. Sinclair to be Colonel of the 12th Regiment, in place of J. A. Glass, resigned.

George S. Burbridge to be Lieutenant Colonel of the 12th Regiment, in place of Jesse S. Sinclair, promoted.

Thomas S. Johnson to be Major of the 12th Regiment, in place of George S. Burbridge, promoted.

Augustine C. Owens to be Major of the 69th Regiment, in place of Socrates Holbrook, resigned.

George W. Davis to be Colonel of the 29th Regiment, in place of Samuel Henderson, resigned.

John Shipley to be Lieutenant Colonel of the 29th Regiment, in place of Geo. W. Davis, promoted.

John T. Samuel to be Major of the 29th Regiment, in place of John Shipley, promoted.

Thomas Briston to be Colonel of the 81st Regiment, in place of George N. Denton, resigned.

Elijah Whitaker to be Brigadier General of the 21st Brigade, in place of J. Squires, resigned.

Abraham Vanarsdale to be Colonel of the 82d Regiment, in place of Richard Huff, resigned.

Benjamin C. Allen to be Lieutenant Colonel of the 82d Regiment, in place of Abraham Vanarsdale, promoted.

Ludwell C. Cornish to be Major of the 82d Regiment, in place of Benjamin C. Allen, promoted.

James H. Rochester to be Colonel of the 126th Regiment, in place of Gabriel S. Caldwell, resigned.

James Durham to be Lieutenant Colonel of the 126th Regiment, in place of James H. Rochester, promoted.

WM. OWSLEY.

February 5, 1845.

Gentlemen of the Senate:

I nominate for your advice and consent, David Snowden to be Sheriff of Owsley county, the County Court of said county having failed to recommend at the proper time.

WM. OWSLEY.

February 6, 1845.

Resolved, That the Senate advise and consent to the said appointments.

On the motion of Mr. Newell the following preamble and resolution were adopted, viz:

WHEREAS, It is desirable that the Board of Internal Improvement should obtain all the information, statistical and otherwise, that can be obtained in regard to the management of the various Turnpike roads, in which the Commonwealth is a stockholder, for the purpose of communicating the same, with such views and suggestions as they may think proper, to the next Legislature, as a part of their Annual Report: therefore,

Resolved, That the following interrogatories and such others as the Board shall deem expedient to be made, shall be, by the said Board, presented to the respective Presidents, Treasurers, or other proper officers, whose duty it shall be to answer the same as fully and explicitly as practicable.

What changes, if any, have been made in regulating the rates of toll upon your road within the last three years? If any such change or modification has been made, furnish the Board of Internal Improvement with the former and present rates, with such reasons for the change as may have operated in its favor.

In establishing the present rates, did you intend to comply with the provisions of an act, entitled, "an act regulating the tolls on the Turnpike roads, in which the Commonwealth is a joint stockholder, and for other purposes," approved February 25th, 1842? If not, inform us what were the objections to the rates established by the act aforesaid. If you did conform to the provisions of that act, inform us whether, from experience, it has not operated beneficially to the company? or whether any, and what change of rates you think best adapted to the business upon your road, and most likely to increase the net dividends thereof?

How do you make contracts for repairing? Do you employ laborers by the year, by the month, by the day, or do you have the stone procured, broke, and spread on the road by the perch or rod; and how much do you give per rod or perch; and how many cubic feet constitutes the perch or rod, according to your mode of measurement? If laborers are employed in the different ways mentioned, state in what proportion? What has been the gross amount of receipts upon your road annually, for the last three years; and what the amount of expenditure for the same time? State also the various items of expenditure.

In what particular do you consider the laws defective, or inoperative, to prevent frauds or evasions, resulting in a loss of the revenue, and diminution of the net dividends to the State, and to other stockholders? With the foregoing answers communicate to the Board such views as you may entertain in regard to what is best to be done, for the purpose of insuring to your company a better dividend, without wrong or oppression to the people.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, to-wit:

An act for the benefit of the heirs of William Johnson, deceased.

An act for the benefit of C. J. Blackburn.

An act to legalize the proceedings of the 115th Regiment of Kentucky Militia, and for other purposes.

An act to authorize the Surveyor's books of Henderson county to be transcribed, and for other purposes.

An act to change the times of holding the Muhlenburg and Boyle Circuit Courts, and for other purposes.

An act to amend the several acts concerning the Newport Seminary or Academy, and for other purposes.

An act allowing an additional Constable to the county of Oldham, and for other purposes.

An act to authorize the County Court of Campbell to appoint a Collector of the county levy for 1843, and for other purposes.

An act giving to the Falmouth Bridge Company further time to receive subscriptions of stock, and to complete said bridge.

An act to change the county line of Washington and Marion counties.

An act to legalize the proceedings of the Courts of Assessment of the 17th and 36th Regiments of Kentucky Militia, and for other purposes.

An act prescribing the duties of Agents appointed to sell forfeited lands, and applying the proceeds of sales to the Sinking Fund.

An act for the benefit of the heirs of James B. Ewers, deceased.

An act authorizing William Read, Ignatius Greenwell and Roderic Terrill to change the location of a Fish dam on the Beech Fork.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company.

An act for the benefit of Richard Bartlett, a Constable of Henry county.

An act to extend the jurisdiction of the Trustees of the town of Princeton, in Caldwell county.

An act to incorporate a College in the county of Union, styled the Henry Clay Institute.

An act for the relief of the heirs and legal representatives of John Kek, deceased.

An act to reduce into one the several acts exempting property from execution, and for other purposes.

An act to give to the holders of Kentucky land warrants further time to have surveys made under the same, and to return plats and certificates of survey to the Register's office.

An act to amend an act, entitled, an act to provide for a change of venue in the prosecution against James B. Spratts, approved March 2, 1844.

An act for the benefit of the sureties of James H. McKee.

An act for the benefit of Marietta H. Estis and her children.

An act for the benefit of the heirs of John W. Wooldridge, deceased.

And enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act to regulate the time of holding the Rockcastle County Court, and for other purposes.

An act for the benefit of William Pryor.

An act to divorce Sinclair Stapp.

An act to provide for a change of venue in the prosecution against James Williams.

An act to amend the laws upon the subject of Pedlars.

An act for the benefit of the Woodford Guards Riflemen.

An act for the benefit of the Danville Artillery.

An act to amend an act, entitled, an act to incorporate the town of Lancaster, approved February 23, 1837, and for other purposes.

An act to extinguish the rent and title of the City of Lexington to the Railroad Depot and Warehouse.

An act for the benefit of the Sheriff of Nicholas county.

An act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties, and for other purposes.

An act for the benefit of George Mulliken.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

The following bills from the House of Representatives, were reported from the several committees to whom they were referred, without amendments, to-wit:

By Mr. Walker, from the committee on Propositions and Grievances—An act to reduce the number of Justices of the Peace and Constables of Adair county, and for other purposes.

By Mr. McAfee, from the committee on Education—An act for the benefit of the Port Royal Seminary, in Henry county.

Ordered, That the said bills be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the Senate adjourned.

SATURDAY, FEBRUARY 8, 1845.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate, to a bill from that House, entitled, an act to regulate the weight of grain.

That they had concurred in the adoption of a resolution from the Senate, providing for a final settlement of the concerns of the Old Bank of Kentucky.

That they had passed bills from the Senate, of the following titles, to-wit:

An act to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act for the benefit of the heirs of Susan B. Collins, and the heirs of Nancy Whitesides, deceased.

An act to change the name of William Henry Rice, of Boyle county, to that of William Henry Miller.

An act for the benefit of Henry Jones.

An act for the benefit of Susan R. Gist.

An act for the benefit of the estate of Charles H. Webb, deceased.

An act to place a part of the State road leading from Princeton to Centreville, in Caldwell county, under the power of the County Court of said county.

With amendments to the two bills last named.

That they had passed bills of the following titles, to-wit:

An act concerning the Penitentiary.

An act to incorporate the Turnpike Road Company in the county of Greenup, and for other purposes.

The following bills from the House of Representatives, were reported from the several committees to whom they had been referred without amendment, to-wit:

By Mr. Hardin, from the committee on the Judiciary:

An act to facilitate the collection of water rents upon Green and Barren rivers.

An act to amend an act concerning the town of Newport, and for other purposes.

An act for the benefit of Alexander Graham, and others.

By Mr. Walker, from the committee on Propositions and Grievances:

An act for the benefit of George Washington Lafayette Bradley, and for other purposes.

An act further to regulate the Fire Company in Shelbyville.

An act to run and re-mark the line between the counties of Montgomery and Morgan.

An act to incorporate the Greensburg Philalethic Society.

By Mr. Rodes, from the committee on Religion:

An act supplemental to an act, approved January 14, 1845, for the benefit of the Methodist Episcopal Church in Elkton.

An act to incorporate the United Baptist Church of Garnettsville.

An act for the benefit of Stephen and Sarah Skaggs, of Green county.

By Mr. James, from the committee on Finance:

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the Sheriff of Bourbon county, and for other purposes.

An act for the benefit of Elijah McWharter, Jesse Yantis and John Beaty.

An act for the benefit of the Sheriffs of Owen and Daviess counties.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second and third readings being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the committee on the Judiciary, reported the following bills, to-wit:

A bill for the benefit of Overton P. Hogan, and the heirs of Henry Case.

A bill to amend an act, entitled, an act for the benefit of Eliza Maxfield and her children, approved February 17, 1836.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardin, from the same committee, reported a bill to amend the laws in relation to Chancery proceedings, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, Mr. McElroy moved to lay the said bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Swope and Newell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A.	James,	Slaughter,
Conner,	Marshall,	South,
Fox,	McElroy,	Winfrey,
Harris,	Newell,	Woodson—13.
Helm,		

Those who voted in the negative, were—

Messrs. Ballard,	Dyer,	McAfee,
Bennett,	Field,	Patterson,
Boyd, W. P.	Gilles,	Peyton,
Bradford,	Gray,	Rodes,
Carpenter,	Hardin,	Swope,
Chenault,	Holloway,	Taylor,
Crenshaw,	Huston,	Wallace,
Drake,	Key,	Walker—24.

Ordered, That the said bill be engrossed and read a third time.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the heirs of Elizabeth Doris, of Hopkins county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the children of Henry O. Byers, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardin, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the St. Cecelia Musical Society, reported the same with the opinion of the committee that it ought not to pass.

The said bill is as follows, viz :

WHEREAS, A number of the citizens of Louisville, are desirous of improving themselves in musical science, and of elevating the profession, and wish to place their means of doing so on a permanent foundation: therefore,

SEC. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purpose of promoting musical science, in the city of Louisville, George D. Prentice, Theodore S. Bell, Urban E. Ewing, Sidney Mosby, William C. Peters, F. C. Boecking, C. S. Weber, F. J. Webster, Hugh Priesler and E. W. Gunter, and their associates and successors, shall be, and are hereby incorporated a body politic, with perpetual succession, by the name and style of the Saint Cecelia Society and Musical

Academy of the City of Louisville; and in that name may acquire, hold and enjoy all such real and personal estate as may be necessary for the accommodation of the society, and the advancement of musical science: *Provided*, That the annual income on all such real and personal estate, they may hold, shall not exceed twenty thousand dollars per annum; they may also contract and be contracted with, sue and be sued, plead and be impleaded with, in their corporate name, and may have and use a common seal, and change, alter and renew the same at pleasure; may establish branches of the society through the State, and confer such privileges on them as may be strictly promotive of the science of music in all its departments. The society may confer degrees, diplomas or certificates on those they may deem worthy of such evidences of merit, and proficiency in the science of music, and do all other acts and things, that a corporation for the purpose of promoting musical science in all its departments may lawfully do, within the scope of its powers. The society may receive donations, &c., to be applied to the promotion of musical science; they may form and sustain a musical library, and establish lectures, and any other means they may deem suitable to extend the knowledge of music, and elevate the science. The corporators herein named, shall adopt a constitution and by-laws for the government of the society; upon the adoption of which, a President, Vice President, Managers, Secretary and Treasurer, shall be elected by the corporators, at such time as the constitution may provide, who shall hold their offices for one year, and until their successors shall be duly elected and installed. A fair record of the proceedings of the society shall be kept, and a true statement of its finances, and all matters relating to the society, shall be annually laid before the officers of the society, at such time as the by-laws shall direct.

Ordered, That the said bill be read a third time.

The constitutional rules as to the third reading being dispensed with,

The question was taken on the passage of said bill, and it was decided in the negative, and so the said bill was disagreed to.

The yeas and nays being required thereon by Messrs. Newell and Hardin, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	Rodes,
Bennett,	Fox,	Slaughter,
Chenault,	Holloway,	Taylor,
Conner,	Patterson,	Woodson—12.

Those who voted in the negative, were—

Messrs. Boyd, A.	James,	Peyton,
Carpenter,	Key,	South,
Crenshaw,	Marshall,	Swope,
Gray,	McAfee,	Wallace,
Hardin,	McElroy,	Walker,
Harris,	Newell,	Winfrey—19.
Helm,		

Mr. Walker, from the committee on Propositions and Grievances, to whom was referred a bill from the House of Representatives, entitled, an

act for the benefit of James Squires, of Bourbon county, and for other purposes, reported the same with an amendment, which amendment was decided to be out of order.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the same committee, reported a bill to extend the limits of the town of Stanford, in Lincoln county, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to repair Lock and Dam No. 1, on Barren river, was read the third time.

Mr. Swope moved to amend the said bill by adding thereto the following section by way of engrossed ryder, viz:

Be it further enacted, That the net revenue of the counties of Campbell, Kenton and Pendleton, over \$1,439, shall be, and the same is hereby set apart and appropriated to the completion of Lock and Dam No. 2, on Licking river; and it shall be the duty of the Board of Internal Improvement to expend upon said work, the money arising from this source, to be drawn from the Treasury, upon the requisition of said Board and the Auditor's warrant.

The question being taken on adopting the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Swope and Huston, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Bennett,	Newell,	Wallace,
Huston,	Swope,	Walker—6.

Those who voted in the negative, were—

Messrs. Ballard,	Fox,	McAfee,
Boyd, A.	Gilless,	McElroy,
Boyd, W. P.	Gray,	Patterson,
Bradford,	Hardin,	Peyton,
Carpenter,	Harris,	Rodes,
Chenault,	Helm,	Slaughter,
Conner,	Holloway,	South,
Crenshaw,	James,	Taylor,
Drake,	Key,	Winfrey,
Dyer,	Marshall,	Woodson—30.

Mr. McAfee moved an amendment to the said bill by way of engrossed ryder.

Mr. Winfrey moved the previous question, which was decided in the affirmative.

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Huston and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gilles	Rodes,
Bradford,	Gray,	Slaughter,
Carpenter,	Helm,	Taylor,
Chenault,	Holloway,	Wallace,
Crenshaw,	Key,	Walker,
Dyer,	Patterson,	Woodson—20.
Field,	Peyton,	

Those who voted in the negative, were—

Messrs. Ballard,	Hardin,	McElroy,
Bennett,	Harris,	Newell,
Boyd, A.	Huston,	South,
Conner,	Marshall,	Swope,
Drake,	McAfee,	Winfrey—16.
Fox,		

Resolved, That the title of the said bill be as aforesaid.

A bill from the House of Representatives, entitled, an act to regulate the tolls on the Kentucky river, was read the third time as amended.

Mr. Crenshaw moved to amend the said bill by adding thereto, the following section, by way of engrossed ryder, to-wit:

Be it further enacted, That so long, as in the discretion of the Board of Internal Improvement, flat boats descending the Kentucky river, and starting from points above the slackwater, are not required to pay toll, that similar boats descending Green and Barren rivers, and leaving at points likewise above the influence of slackwater, shall be regulated by the same rule and provision.

The question being taken on adopting the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and Carpenter, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gray,	Peyton,
Bennett,	Hardin,	Rodes,
Bradford,	Harris,	Slaughter,
Carpenter,	Helm,	South,
Chenault,	Holloway,	Swope,

Crenshaw,	Key,	Taylor,
Drake,	Marshall,	Wallace,
Field,	McAfee,	Walker,
Fox,	Newell,	Winfrey,
Gilless,	Patterson,	Woodson—30.

Those who voted in the negative, were—

Messrs. Boyd, A.	Conner,	Huston,
Boyd, W. P.	Dyer,	McElroy—6.

Mr. Walker moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. W. P. Boyd and Walker, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Fox,	Rodes,
Bennett,	Hardin,	Slaughter,
Carpenter,	Harris,	Swope,
Chenault,	Holloway,	Taylor,
Crenshaw,	Marshall,	Wallace,
Dyer,	McAfee,	Walker,
Field,	McElroy,	Woodson—21.

Those who voted in the negative, were—

Messrs. Boyd, A.	Gray,	Palmer,
Boyd, W. P.	Helm,	Patterson,
Bradford,	Huston,	Peyton,
Conner,	James,	South,
Drake,	Key,	Winfrey—17.
Gilless,	Newell,	

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Samuel May.

Approved February 5, 1845.

An act to authorize the County Court of Campbell to appoint a Collector of the county levy for 1843, and for other purposes.

An act to amend the several acts concerning the Newport Seminary or Academy, and for other purposes.

An act to incorporate a College in the county of Union, styled the Henry Clay Institute.

An act to amend an act, entitled, an act to provide for a change of venue in the prosecution against James B. Spratts, approved March 2, 1844.

An act to give to the holders of land warrants further time to have surveys made under the same, and to return plats and certificates of survey to the Register's office.

An act to legalize the proceedings of the Courts of Assessment of the 17th and 36th Regiments of Kentucky Militia, and for other purposes.

An act prescribing the duties of Agents appointed to sell forfeited lands, and applying the proceeds of sales to the Sinking Fund.

An act to legalize the proceedings of the 115th Regiment of Kentucky Militia, and for other purposes.

An act for the benefit of the heirs of William Johnson, deceased.

An act for the benefit of the heirs of James B. Ewers, deceased.

An act for the benefit of C. J. Blackburn.

An act authorizing William Read, Ignatius Greenwell and Roderic Terrill to change the location of a Fish dam on the Beech Fork, and for other purposes.

An act for the benefit of Richard Bartlett, a Constable of Henry county, and for other purposes.

An act giving to the Falmouth Bridge Company further time to receive subscriptions of stock, and to complete said bridge.

An act to change the county line of Washington and Marion county.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company.

An act to reduce into one the several acts exempting property from execution, and for other purposes.

An act to extend the jurisdiction of the Trustees of the town of Princeton, in Caldwell county.

An act for the benefit of the sureties of James H. McKee.

An act for the benefit of Marietta H. Estes and her children.

An act concerning the town of Augusta.

An act allowing an additional Constable to the county of Oldham, and for other purposes.

An act to authorize the Surveyor's books of Henderson county to be transcribed, and for other purposes.

An act to change the times of holding the Muhlenburg and Boyle Circuit Courts, and for other purposes.

An act for the benefit of the heirs of John W. Wooldridge, deceased.

Approved February 7, 1845.

An act for the relief of the heirs and legal representatives of John Kek, deceased.

Approved February 8, 1845.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

Gentlemen of the Senate:

In conformity to the request of the Legislature of the State of Alabama,

I herewith transmit resolutions of that Legislature, approved the 22d January, 1845.

WM. OWSLEY.

February 8th, 1845.

STATE OF ALABAMA.

IN THE HOUSE OF REPRESENTATIVES, JANUARY 7TH, 1845.

MR. PHILLIPS, from the committee on Federal Relations, submitted the following report:

THE committee on Federal Relations, to whom were referred resolutions from the State of Massachusetts, proposing to amend the Federal Constitution, by striking out that portion of the third clause, second section, first article, which apports Representatives and direct taxes, by adding to the free white inhabitants, "*three-fifths of all other persons*;"—together with the replies of the States of Kentucky, Maryland and Virginia—also, resolutions of the State of South Carolina, in relation to the Agent sent by Massachusetts to reside within her borders, to litigate the right of that State to prevent the ingress of free persons of color—deeply impressed with their serious import, have bestowed on them a calm and solemn consideration, and without division, either in feeling or opinion, have instructed me to recommend the adoption of the following report and resolutions:

It is well known to all, conversant with the history of the Convention, which adopted our present form of Government, that the "*three-fifths*" rule of representation, gave rise to great debate and agitation in that body, and for a long while threatened its dissolution. The States represented in that Convention, were sovereign and independent; it was the right of each to determine the conditions on which it would enter into the Federal compact. The slaveholding States believing their interests and their rights required the existing rule of representation, insisted upon its adoption: on the other hand, it was strenuously resisted by a few of the States as unequal and unjust to those who held no slaves; and the clause as it now stands in the Constitution, was finally adopted against the vote of but two States—Massachusetts voting in the majority. The Constitution thus framed, was submitted to the States, and adopted by the people of *each*, and thus became the law of *all*.

The history of this provision of the Constitution therefore, shows that it was incorporated by the Convention as a *solemn stipulation*, and agreed to by the people of each of the thirteen States, in order to consolidate their union.

The Southern States surely can see nothing in the circumstances which now surround them, to cause their abandonment of a security so strenuously insisted on, when interference with their domestic institutions was merely a subject of philosophical speculation. Now, there exists in some of the States, a faction, yearly and rapidly increasing in power (stimulated by influences from abroad, and strengthened by political dissensions at home,) that seeks the total overthrow of the institutions of the South, careless of the means, and regardless of the consequences. Already it controls sixty thousand voters, not the less formidable, because governed by the spirit of a wild fanaticism; already it has shown itself strong enough to fill the Temple of Religion with discord, and divide its altar: already it has entered into the

Halls of Congress, and before its potent voice, the Representatives of the people have been driven into the adoption of a rule, which virtually submits the time and deliberation of that body, chosen to represent the interest of the whole Union, to the direction and disposal of those who seek its dissolution.

It is under such circumstances that the State of Massachusetts proposes to pluck from the Constitution its guaranty to the South!

Warned by Virginia that the proposition was regarded as an offer to dissolve the Union, she yet reasserts it, and has transmitted to this State the following resolution, approved the 16th of March, 1844:

"*Now therefore resolved*, That the resolves of the Legislature of this Commonwealth do express the deliberate sentiments of the people of Massachusetts; that they do in truth and in good faith propose an amendment to the Constitution of the United States; that so far from containing a proposition virtually to dissolve the Union, **THEY ASSERT A PRINCIPLE WHICH IS ESSENTIAL TO ITS STABILITY AND PERMANENCE**; and to the assertion and maintenance of which, in every constitutional way, the people of Massachusetts will always hereafter, as they now do, firmly and conscientiously adhere."

It is a subject of painful reflection that in the very infancy of the Republic, the declaration has been published by the constituted authorities of a State celebrated for its revolutionary services, and conspicuous for the wealth and intelligence of its citizens, that the solemn stipulations of the Constitution must be violated, and its fundamental law changed in order to give "*stability and permanence*" to the Union.

But the extraordinary course of Massachusetts does not stop here. As if determined to move on this question from every point, we learn from the Carolina resolutions heretofore referred to, that Massachusetts—asserting her obligation to protect her citizens—has lately sent an agent to reside in that State, to litigate the validity of those laws, which she (in common with the other States of the South) has enacted for the purpose of ensuring domestic tranquility. Those laws prohibit the ingress of free negroes, and provide for the detention and safe custody of those who may enter her ports until the departure of the vessel in which they arrived.

Laws of a similar character have been enacted in this State, and form a part of our new Penal Code, prepared with much care by our Judges, and adopted by this Legislature.

It is against this *domestic police* of the South, founded in the highest State necessity—and having no other end than peace and security—that Massachusetts under the weak plea of defending the rights of her colored population, who choose to enter our territories in defiance of our laws—sends her agents into our ports to proclaim amidst *ready listeners*, that we have no legal power to establish guards for the peaceable subjection of one portion of our community and the happiness and safety of the whole.

Upon this subject the committee offer no argument, for if they properly appreciate the sentiments of this Honorable body, it would be regarded as more than superserviceable.

The State of South Carolina has the same authority for the enactment of these laws, as she would have—"to provide pecuniary measures against the moral pestilence of paupers, vagabonds or convicts,"—or to "guard against the physical pestilence which may arise from a ship, the crew of which may be laboring under an infectious disease." It is a right never to be yielded

up until she forfeits her identity as a State, "*to exclude from her borders all persons whose admission would endanger her safety and security.*"

Be it therefore resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That they regard the proposition of Massachusetts to amend the Constitution, and her declaration that this is necessary to the "stability and permanence" of the Union, as a determination that she is both willing and ready to dissolve our political compact.

Resolved, That the Federal Constitution resulted from compact between the several States;—that it was founded in compromise of the various interests which distinguished them;—that the question of Representation was adjusted by the Convention upon equitable principles;—and that Alabama will neither relinquish this right on the request of one State, nor at the bidding of any greater number.

Resolved, That the repeal of the 25th Rule by the present session of Congress, was a weak and truckling submission to the spirit of Fanaticism; that it adds another and important triumph to the Faction, which now fortified in the Halls of legislation may dispatch its fiery arrows over every section of our confederacy.

Resolved, That we sympathize with the patriotic spirit of the Legislature of South Carolina, which so promptly resisted the insolent attempt to disturb her domestic tranquility.

"The power of slavery belongs to the States respectively"—"it is local in its character and effects,"—"each State has a right to guard its citizens against its inconveniences and dangers." The right to exercise this power by a State is *higher and deeper than the Constitution*. "The evil involves the prosperity and may endanger the existence of a State." Its power to guard against or to remedy the evil rests upon the law of self-preservation; a law vital to every community and especially to a sovereign State."

Resolved, That the Governor be requested to transmit copies of this report and resolutions to the Governors of the other States of the Union, with a request that they should be laid before their respective Legislatures—and that copies be also forwarded to our delegation in Congress.

A. B. MOORE,

Speaker of the House of Representatives.

NATHANIEL TERRY,

President of the Senate.

Approved January 22, 1845.

EXECUTIVE DEPARTMENT, }
TUSCALOOSA, ALABAMA, JANUARY 25, 1845. }

SIR,—I have been requested by the Legislature of this State, to transmit you the above Report and Resolutions.

I have the honor to be, very respectfully,

Your obedient servant,

BEN. FITZPATRICK,

Governor of the State of Alabama.

To His Excellency

THE GOVERNOR OF KENTUCKY,

The said message was referred to the committee on Federal Relations.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, to-wit:

To the Senate:

GENTLEMEN: James Davidson, Treasurer elect, offers as his securities in his official bond for the ensuing year, Jacob Swigert, A. C. Keenon, Albert G. Hodges and A. P. Cox: I, as Governor, approve of the securities offered, and submit them to you for your consent.

WM. OWSLEY.

Resolved, That the Senate consent to, and approve of the said securities.

A message, in writing, was received from the Governor, by Mr. Hardin, Secretary of State.

The rule of the Senate being dispensed with, the said message was taken up and read as follows, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, William R. Boyce to be Lieutenant Colonel of the 43d Regiment of Kentucky Militia.

William Tolly to be Major of the 126th Regiment.

Thomas B. Shields to be Lieutenant Colonel, and John Shawhan to be Major of the 20th Regiment.

M. D. Martin to be Major of the 86th Regiment.

John Levell to be Lieutenant Colonel of the 26th Regiment.

Wm. F. Conn to be Major of the 26th Regiment.

WM. OWSLEY.

February 8, 1845.

Resolved, That the Senate advise and consent to the said appointments.

A bill from the House of Representatives, entitled, an act concerning the Penitentiary, was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with,

Mr. Fox moved an amendment to the said bill.

Mr. Peyton moved the previous question, which was decided in the affirmative.

Ordered, That the said bill be read a third time.

Mr. Peyton moved to dispense with the third reading of said bill.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Fox and W. P. Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, A.
Boyd, W. P.
Bradford,
Carpenter,
Conner,

Hardin,
Helm,
Huston,
James,
Key,

Peyton,
Rodes,
Slaughter,
South,
Swope,

Crenshaw,
Drake,
Field,
Gilles,
Gray,

Marshall,
McAfee,
Newell,
Palmer,
Patterson,

Taylor,
Wallace,
Walker,
Winfrey,
Woodson—30.

Those who voted in the negative, were—

Messrs. Bennett,
Chenault,

Fox,
Harris,

Holloway,
McElroy—6.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Resolved, That the Senate recede from the amendments proposed by them to a bill from the House of Representatives, entitled, an act providing for a change of venue in the prosecution against Morton Pennington.

Resolved, That the Senate concur in the amendments proposed by the House of Representatives, to bills from the Senate of the following titles, to-wit:

An act for the benefit of Burr Harrison, and the infant heir of Elizabeth H. Bain, deceased.

An act to revive the act incorporating the Union White Sulphur Springs Company, approved 11th February, 1836.

Resolved, That the Senate disagree to the amendments proposed by the House of Representatives to bills from the Senate, of the following titles, to-wit:

1. An act to amend an act concerning the appointment of Trustees of the town of Port Oliver, in Allen county.

2. An act to place a part of the State road leading from Princeton to Centreville, in Caldwell county, under the power of the County Court of said county.

3. An act for the benefit of the heirs of Charles H. Webb, deceased.

On the motion of Mr. James, the vote by which the amendments to the third bill was disagreed to, was re-considered, and the said amendments were concurred in.

Bills from the Senate of the following titles were laid upon the table, viz:

An act providing a remedy against wilful trespassers on real estate,

A bill to incorporate the Kentucky and Ohio Bridge Company.

A bill from the House of Representatives, entitled, an act to amend the militia laws, and to increase the school fund in certain counties, was laid upon the table.

Bills from the House of Representatives of the following titles were read the first time, viz:

1. An act to amend the laws in relation to the inspection of salt.

2. An act to amend the charter of the Funk Seminary, in Oldham county.

Ordered, That the said bills be read a second time.

The constitutional rule as to the second reading being dispensed with, the 1st was referred to the committee on Agriculture; and the 2d was ordered to be read a third time.

The constitutional rule as to the third reading of the 2d bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the House of Representatives, entitled, an act to incorporate a Turnpike Road Company in the county of Greenup, and for other purposes, was read the first time, and ordered to be read a second time:

The constitutional rule as to the second and third readings of said bill being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Rodes,

Resolved, That when the Senate adjourn this evening, it will adjourn to meet on Monday morning at 9 o'clock.

On the motion of Mr. Huston,

Resolved, That the Public Printer be authorized and required to print and forward to each member of the Senate, one hundred copies of the list of the several acts passed at the present session, with brief explanations of their purport.

On the motion of Mr. Peyton,

Ordered, That the Clerk of the Senate deliver to the Attorney General, the evidence in relation to the Penitentiary, taken by the committee on the Penitentiary.

On the motion of Mr. W. P. Boyd,

Ordered, That the Public Printer print 1000 copies of the report of the committee on the Sinking Fund, for the use of the Senate.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to establish the town of Rowena on the land of John Leveridge, in Russell county, and for other purposes, reported the same without amendment.

Mr. Woodson moved an amendment to the said bill.

Mr. Winfrey moved the previous question, which was decided in the affirmative.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Walker, from the committee on Propositions and Grievances, report-

ed a bill for the benefit of John W. Bright, and others, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the said bill was laid on the table.

Mr. Walker, from the same committee, to whom was referred a bill for the benefit of Robert C. Rogers, of Fayette county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on engrossing and reading the said bill a third time, it was decided in the negative, and so the said bill was rejected.

Mr. Walker, from the same committee, to whom was referred the petition of John Tompkins, reported the following resolution thereon, to-wit:

Resolved, That the petition be rejected.

Which was concurred in.

A bill from the House of Representatives, entitled, an act to amend the charters of the cities of Louisville and Covington, was taken up.

Ordered, That said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Susan R. Gist.

An act for the benefit of Henry Jones.

An act to change the name of William Henry Rice, of Boyle county, to that of William Henry Miller.

An act for the benefit of the heirs of Susan B. Collins, and the heirs of Nancy Whitesides, deceased.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act for the benefit of the heirs of Thomas Henry, deceased.

An act to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth.

Also a resolution providing for a final settlement of the concerns of the Old Bank of Kentucky.

And enrolled bills which originated in the House of Representatives, of the following titles, to-wit:

An act to authorize a change of venue in the case of James Hildreth.

An act to change the venue in the case of John Cook, of the City of Louisville, charged with arson.

An act the better to protect the purity of elections.

An act for the benefit of Martha Beard, committee for Martha Ann Beard.

An act to amend an act, entitled, an act for the benefit of Paulina G. Rodes and her children.

An act for the benefit of John B. McIlvaine.

An act to amend an act incorporating the town of Paducah, and for other purposes.

An act to regulate the weight of grain.

An act to allow an additional Justice of the Peace to Barren county, and for other purposes.

An act to reduce the number of Justices of the Peace and Constables of Adair county, and for other purposes.

An act for the benefit of Thomas Parker, Alexander Bruce and John Johnson, late Sheriffs of Lewis county.

And had found the same truly enrolled.

The said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

Mr. Rodes, from the committee on Religion, reported a bill to incorporate the St. Paul Protestant Episcopal Church in Newport, Kentucky, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to incorporate the First United German Protestant Church in the City of Louisville, reported the same with an amendment, which was concurred in.

Ordered, That the said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Rodes, from the same committee, to whom was referred the petition of John Newell, and the petition of Susan Garnett, reported the following resolution thereon, to-wit:

Resolved, That the petitions be rejected.

Which was concurred in.

On the motion of Mr. Rodes, the committee on Religion was discharged from the duty of preparing and bringing in a bill to amend the law concerning divorces.

Mr. Dyer, from the committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled, an act to establish a state road from Canton, in Trigg county, to Mills' Point, in Fulton county, reported the same with an amendment, which was concurred in.

Ordered, That said bill be read a third time as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend an act, entitled, an act to amend the charter of the Owingsville and Big Sandy Turnpike road company, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question being taken on the passage of the said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Conner and Harris, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gilles	Rodes,
Bradford,	Harris,	South,
Carpenter,	Holloway,	Taylor,
Crenshaw,	Key,	Wallace,
Dyer,	Marshall,	Winfrey—17.
Field,	Peyton,	

Those who voted in the negative, were—

Messrs. Ballard,	Conner,	McAfee,
Boyd, A.	Gray,	McElroy,
Chenault,	Huston,	Woodson—9.

Resolved, That the title of the said bill be as aforesaid.

Mr. Dyer, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to declare Station Camp Creek navigable, and for other purposes, reported the same without amendment.

The said bill was amended and ordered to be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That the said bill, as amended, do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Dyer, the committee on Internal Improvement was discharged from the further consideration of the petition of Nicholas Long.

Mr. James, from the committee on Finance, to whom was referred a bill

from the House of Representatives, entitled, an act authorizing Nathaniel Ferguson to peddle goods without license, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

The question was then taken on the passage of the said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peyton and Walker, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Dyer,	Palmer,
Boyd, A.	Gilless,	Patterson,
Boyd, W. P.	Harris,	Rodes,
Bradford,	Helm,	South,
Carpenter,	Key,	Taylor,
Chenault,	McAfee,	Walker,
Conner,	McElroy,	Winfrey,
Drake,	Newell,	Woodson—24.

Those who voted in the negative, were—

Messrs. Field,	Holloway,	Peyton,
Gray,	Huston,	Swope,
Hardin,	James,	Wallace—9.

Resolved, That the title of the said bill be as aforesaid.

Mr. James, from the committee on Finance, reported a bill to amend an act approved March 2d, 1844, establishing a Land Office west of the Tennessee line, which was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bill being dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of the Sheriff of Meade county, reported the same with an amendment, which was concurred in.

The said bill was further amended.

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill, as amended, do pass, and that the title thereof be amended by adding thereto "and for other purposes."

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to change the mode of advertising lands to be sold for taxes, reported the same without amendment.

Mr. Crenshaw moved to lay the said bill on the table.

The question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and James, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Helm,	Taylor,
Carpenter,	Holloway,	Wallace,
Chenault,	Huston,	Walker,
Crenshaw,	Rodes,	Winfrey,
Gray,	Slaughter,	Woodson—17.
Hardin,	Swope,	

Those who voted in the negative, were—

Messrs. Ballard,	Harris,	McAfee,
Boyd, A.	James,	McElroy,
Bradford,	Key,	Newell,
Conner,	Marshall,	Peyton—13.
Dyer,		

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Calvin A. Hull, of Kenton county, reported the same with the opinion of the committee that it ought not to pass.

The question being taken on reading the said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. James, from the same committee, to whom was referred a bill from the House of Representatives, entitled, an act to amend the revenue laws, reported the same.

Mr. James moved to amend the said bill by adding thereto, the following section, viz:

That hereafter the Sheriffs or other collectors of the revenue of this Commonwealth, shall be allowed the following commission, viz: in those counties where the revenue may not exceed \$2,000, the same commission as now allowed by law, and in those counties where the same may be over \$2,000 and not over \$5,000, a commission of 7 per cent. shall be allowed; in those counties where the revenue may be over \$5,000 and not exceeding \$10,000, 6½ per cent.; in those counties where the revenue may be over \$10,000 and not exceeding \$15,000, 6 per cent.; and in those counties where the revenue may be over \$15,000, a commission of 5 per cent.

Mr. Winfrey moved the previous question.

And the question being taken, shall the main question be now put? it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harris and James, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	Rodes,
Boyd, W. P.	Helm,	Slaughter,
Bradford,	Palmer,	Winfrey,
Crenshaw,	Peyton,	Woodson—13.
Dyer,		

Those who voted in the negative, were—

Messrs. Boyd, A.	Harris,	Newell,
Carpenter,	Holloway,	Patterson,
Chenault,	Huston,	South,
Conner,	James,	Swope,
Drake,	Key,	Taylor,
Gilless,	Marshall,	Wallace,
Gray,	McAfee,	Walker—23.
Hardin,	McElroy,	

The question was then taken on adopting the amendment proposed by Mr. James, and it was decided in the negative.

The yeas and nays being required thereon, by Messrs. South and A. Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Ballard,	Harris,	Newell,
Boyd, A.	Huston,	Patterson,
Carpenter,	James,	South,
Conner,	Marshall,	Swope,
Drake,	McAfee,	Wallace,
Gilless,	McElroy,	Walker—18.

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Chenault,	Helm,	Slaughter,
Crenshaw,	Holloway,	Taylor,
Dyer,	Key,	Winfrey,
Field,	Palmer,	Woodson—18.

The Senate being equally divided the Speaker voted in the negative.

Mr. McAfee moved to amend the said bill by striking out the "10th of April," being the day on which merchants shall list the value of their stock on hand for taxation, and inserting in lieu thereof the "1st day of May."

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. McAfee and Harris, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Conner,	McAfee,	South,
Gilless,	McElroy,	Swope,
Harris,	Newell,	Wallace,
James,	Patterson,	Woodson—13.
Marshall,		

Those who voted in the negative, were—

Messrs. Ballard,	Dyer,	Key,
Boyd, A.	Field,	Palmer,
Boyd, W. P.	Fox,	Peyton,
Bradford,	Gray,	Rodes,
Carpenter,	Hardin,	Slaughter,
Chenault,	Helm,	Taylor,
Crenshaw,	Holloway,	Walker,
Drake,	Huston,	Winfrey—24.

The said bill was amended.

Mr. Swope moved further to amend the said bill by adding thereto the following, viz:

That all laws granting a premium on Silk Cocoons, reeled, sewing and manufactured silk, be, and the same is hereby, repealed.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Swope and McElroy, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, A.	Marshall,	South,
Conner,	McElroy,	Swope,
Harris,	Newell,	Wallace—10.
James,		

Those who voted in the negative, were—

Messrs. Ballard,	Fox,	Palmer,
Boyd, W. P.	Gilless,	Patterson,
Bradford,	Gray,	Peyton,
Carpenter,	Hardin,	Rodes,
Chenault,	Helm,	Slaughter,
Crenshaw,	Holloway,	Taylor,
Drake,	Huston,	Walker,
Dyer,	Key,	Winfrey,
Field,	McAfee,	Woodson—27.

The question was then taken on reading the said bill a third time, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Hardin, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Fox,	Patterson,
Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Carpenter,	Helm,	Slaughter,
Crenshaw,	Holloway,	Taylor,
Drake,	Huston,	Wallace,
Dyer,	Key,	Winfrey,
Field,	Palmer,	Woodson—24.

Those who voted in the negative, were—

Messrs. Boyd, A.	James,	Newell,
Chenault,	Marshall,	South,
Conner,	McAfee,	Swope,
Gilless,	McElroy,	Walker—13.
Harris,		

The constitutional rule as to the third reading of the said bill being dispensed with,

The question was taken on the passage thereof, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Chenault and Ballard, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Gilless,	Patterson,
Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Carpenter,	Helm,	Slaughter,
Crenshaw,	Holloway,	Taylor,
Drake,	Huston,	Wallace,
Dyer,	Key,	Winfrey,
Field,	Palmer,	Woodson—25.
Fox,		

Those who voted in the negative, were—

Messrs. Boyd, A.	James,	Newell,
Chenault,	Marshall,	South,
Conner,	McAfee,	Swope,
Harris,	McElroy,	Walker—12.

And then the Senate adjourned.

MONDAY, FEBRUARY 10, 1845.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, to-wit:

An act to amend the laws upon the subject of Pedlars.

An act to provide for a change of venue in the prosecution against James Williams.

An act to divorce Sinclair Stapp.

An act for the benefit of William Pryor.

An act to regulate the time of holding the Rockcastle County Court, and for other purposes.

An act for the benefit of George Mulliken.

An act for the benefit of the Sheriff of Nicholas county.

An act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties, and for other purposes.

An act to amend an act, entitled, an act to incorporate the town of Lancaster, approved February 23, 1837, and for other purposes.

An act to extinguish the rent and title of the City of Lexington to the Railroad Depot and Warehouse.

An act for the benefit of the Woodford Guards Riflemen.

An act for the benefit of the Danville Artillery.

Approved February 7, 1845.

And that they had passed bills of the following titles, to-wit:

1. An act for the benefit of Mechanics.

2. An act to amend the law in relation to keeping public roads in repair, and for other purposes.

3. An act to divorce Philemon Sanders.

4. An act supplemental to an act to amend the charter of the Glasgow and Scottsville Turnpike Road Company, and for other purposes.

The 2d and 4th bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of the said 2d and 4th bills being dispensed with, and the 4th being amended,

Resolved, That the said bills do pass, and that the title of the 2d be as aforesaid, and that the title of the 4th be amended to read, an act for the benefit of James G. Hardy.

After a short time a message was received from the House of Repre-

sentatives, announcing that they had concurred in the said amendment to the 4th bill.

The following bills were reported, viz:

By Mr. Field—1. A bill to amend the charter of the Louisville and Portland Canal Company.

By Mr. Huston—2. A bill to change the place of voting in a precinct in Henderson county, and for other purposes.

By Mr. Crenshaw—3. A bill to change the time of holding the Hart and Green Circuit Courts.

By Mr. Peyton—4. A bill for the benefit of Robert Hill, and the widow and heirs of James M. Hill, deceased.

By Mr. Field—5. A bill to repeal the 10th section of an act, entitled, an act to revive the act incorporating the Union White Sulphur Springs Company, approved 11th February, 1836.

By Mr. W. P. Boyd—6. A bill to provide for taking the depositions of Attorneys at law, practising in this Commonwealth.

By Mr. Chenault—7. A bill allowing an additional Justice of the Peace to Madison county, and for other purposes.

By Mr. Hardin—8. A bill regulating the terms of the Logan Circuit Court.

The said bills were severally read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings of said bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the House of Representatives, announcing that they had passed the said bills.

A message was received from the House of Representatives, announcing that they had disagreed to a bill from the Senate, entitled, an act to extend the limits of the town of Stanford, in Lincoln county.

That they had concurred in a resolution from the Senate, in relation to the payment of dividends by the Banks on stock owned by the State.

And that they had passed bills of the following titles, to-wit:

1. An act for the benefit of the Lunatic Asylum.
2. An act for the appropriation of money.

The said bills were each read the first time, and ordered to be read a second time.

The constitutional rule as to the second reading being dispensed with, the 2d was referred to the committee on Finance.

Mr. Harris moved to lay the first bill on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Harris and Conner, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Conner,	Marshall,	South,
Harris,	McAfee,	Winfrey—6.

Those who voted in the negative, were—

Messrs. Ballard,	Gray,	Newell,
Boyd, W. P.	Hardin,	Palmer,
Bradford,	Helm,	Peyton,
Chenault,	Holloway,	Rodes,
Crenshaw,	Huston,	Slaughter,
Drake,	James,	Taylor,
Dyer,	Key,	Wallace,
Field,	McElroy,	Woodson—24.

The said bill was amended.

Mr. James moved further to amend the said bill by striking out the 2d and 3d sections, they read as follows, viz:

SEC. 2. That the first, second, third, fourth and sixth sections of an act, providing compensation to Sheriffs and others, for conveying persons of unsound mind to the Lunatic Asylum, approved March 10, 1843, be, and the same are hereby repealed.

SEC. 3. That hereafter it shall be the duty of the courts, in all cases where persons of unsound mind are ordered by such court to be conveyed to the Lunatic Asylum, shall appoint some prudent person to convey them to the Asylum, who shall not receive more compensation for his services than will pay his expenses in going and returning; and if said court cannot obtain a suitable person upon such terms, the Clerk of such court shall forthwith transmit to the managers a copy of the record in such cases, and if the proceedings have been regular, and the party entitled to admission and support, at the expense of the State, the said directors shall immediately send and have such person or persons conveyed to the Asylum, who shall not receive more for the services than a sufficient amount to defray necessary expenses.

The question being taken on the adoption of the said amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. James and Winfrey, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Carpenter,	Harris,	McElroy,
Conner,	James,	Newell,
Dyer,	Key,	South,
Fox,	McAfee,	Winfrey—12.

Those who voted in the negative, were—

Messrs. Ballard,	Gray,	Peyton,
Bradford,	Helm,	Rodes,
Chenault,	Holloway,	Slaughter,
Crenshaw,	Huston,	Taylor,
Drake,	Palmer,	Wallace—16.
Field,		

Ordered, That the said bill be read a third time.

Mr. Rodes moved to dispense with the constitutional rule as to the third reading of the said bill.

The question being taken thereon, it was decided in the negative, there not being four fifths in the affirmative.

The yeas and nays being required thereon by Messrs. South and James, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	Peyton,
Boyd, W. P.	Gray,	Rodes,
Bradford,	Hardin,	Slaughter,
Carpenter,	Helm,	Swope,
Chenault,	Holloway,	Taylor,
Crenshaw,	Huston,	Wallace,
Drake,	Newell,	Woodson—23.
Dyer,	Palmer,	

Those who voted in the negative, were—

Messrs. Boyd, A.	James,	McElroy,
Conner,	Key,	South,
Fox,	McAfee,	Winfrey—10.
Harris,		

The committee of Finance was discharged from the further consideration of the said act for the appropriation of money, and it was referred to the committee of the whole House, on the State of the Commonwealth.

The Senate resolved itself into a committee of the whole House, Mr. Harris in the Chair. After some time spent in committee, the Speaker resumed the Chair, when Mr. Harris reported that the committee had, according to order, had under consideration the said act for the appropriation of money, and had gone through the same, and made amendments thereto, which he handed in at the Clerk's table.

The said amendments were concurred in.

Mr. Key moved further to amend the said bill by adding thereto the following section, viz:

Be it further enacted, That the sum of \$5,000 be, and the same is hereby, appropriated to the Lunatic Asylum, for the purpose of enabling the managers of said Institution to make such addition to the buildings of said Insti-

tution as may be necessary to its proper and successful management and the accommodation of its inmates; said sum to be paid in equal annual instalments of \$1,666 66 cents each, commencing on the 1st day of January, 1846. And the Second Auditor is hereby authorized and directed, upon the requisition of said Directors, to draw his warrant upon the Treasurer for said annual payments as they fall due, who shall pay the same out of any money in the Treasury not otherwise appropriated.

The question being taken on the adoption of the said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Key and Rodes, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gray,	McAfee,
Bradford,	Hardin,	Palmer,
Carpenter,	Helm,	Rodes,
Chenault,	Holloway,	Taylor,
Dyer,	Huston,	Wallace,
Field,	Key,	Woodson—19.
Fox,		

Those who voted in the negative, were—

Messrs. Boyd, A.	Harris,	Newell,
Conner,	James,	Peyton,
Crenshaw,	Marshall,	South,
Drake,	McElroy,	Winfrey—13.
Gilless,		

Ordered, That said bill be read a third time, as amended.

The constitutional rule as to the third reading of the said bill being dispensed with,

The question was taken on the passage thereof, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harris and Newell, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Field,	Palmer,
Boyd, A.	Fox,	Peyton,
Boyd, W. P.	Gray,	Rodes,
Bradford,	Hardin,	Slaughter,
Carpenter,	Helm,	Taylor,
Chenault,	Holloway,	Wallace,
Crenshaw,	Huston,	Winfrey,
Drake,	Key,	Woodson—26.
Dyer,	McElroy,	

Those who voted in the negative, were—

Messrs. Conner,	Marshall,	Newell,
Harris,	McAfee,	South—7.
James,		

Resolved, That the title of the said bill be as aforesaid.

After a short time a message was received from the House of Representatives, announcing that they had concurred in the said amendments.

And that they had passed a bill, entitled, an act divorcing William M. England: the said bill was read the first time, and ordered to be read a second time.

The constitutional rule as to the second and third readings being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

That they had passed bills from the Senate, of the following titles, with amendments to each, to-wit:

1. An act to increase the resources of the Sinking Fund, and to provide for the burning of certain State bonds and coupons.

2. An act prescribing the duties of the Board of Commissioners of the Sinking Fund, and directing that all moneys set apart to constitute a Sinking Fund shall be paid into the Treasury.

3. An act establishing additional election precincts in Harrison and Crittenden counties.

4. An act to establish an election precinct in Spencer county, and for other purposes.

5. An act to establish election precincts in Franklin county.

6. An act for the benefit of the administrators and heirs of Thomas Rogers, deceased.

7. An act concerning the Northern Bank of Kentucky.

Resolved, That the Senate concur in the said amendments to the 1st, 2d, 3d, 4th and 7th bills; the amendments to the 6th were also concurred in, one of the said amendments proposes to add to the bill the following section, viz:

That the fourth section of an act, entitled, an act for the benefit of the Sheriffs of Marshall, Calloway, Larue and Union counties, approved 7th February, 1845, be, and the same is hereby repealed.

The yeas and nays being required on concurring in the said amendment, by Messrs. James and Peyton, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Hardin,	Peyton,
Bradford,	Holloway,	Rodes,
Chenault,	Huston,	Slaughter,

Crenshaw,
Field,
Gray,

Key,
Palmer,

Taylor,
Woodson—16.

Those who voted in the negative, were—

Messrs. Ballard,
Boyd, A.
Carpenter,
Conner,
Drake,
Dyer,

Gilless,
Harris,
James,
Marshall,
McAfee,

McElroy,
Newell,
South,
Wallace,
Winfrey—16.

The Speaker voted in the affirmative.

A message was received from the House of Representatives, announcing that they had passed bills from the Senate of the following titles, to-wit:

An act authorizing settlements to be made with the President of the Bank of the Commonwealth and the Board of Commissioners of the Sinking Fund.

An act for the benefit of the Surveyor of Trigg county.

An act for the benefit of Johnson Hailey and Randolph Hailey.

An act for the benefit of Samuel Hutchason.

An act for the benefit of William Haydon, an idiot.

An act for the benefit of Sarah E. Snead, an infant of the City of Louisville.

An act for the benefit of Nancy Adams, a lunatic.

An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton, and between the counties of Jefferson and Bullitt, and between the counties of Jefferson and Shelby.

An act to authorize the Trustees of the town of Breathitt to change an alley in said town.

An act to amend the charter of the City of Lexington.

An act for the benefit of Daniel Bringle, and others.

An act declaring Russell's Creek, in Green county, a navigable stream, and for other purposes.

An act to amend the charter of the Glasgow and Scottsville Turnpike road.

An act to authorize the opening of a State road from Colemansville, in Harrison county, by Falmouth, to Foster's landing, on the Ohio river, in Bracken county.

An act for the benefit of John R. Wharton, and the heirs of William Clements.

An act to provide for a change of venue in the prosecution of Benjamin E. T. Lee.

An act to revive and continue in force an act, entitled, an act to establish the town of Stamping Ground, in Scott county, approved January 24, 1834.

An act directing tolls on Turnpike roads to conform to the standard of Federal coin.

An act authorizing the improvement of Capitol Square.

An act for the benefit of the owners of mills and other property, injured by slackwater.

An act concerning joint obligors.

An act to provide for the removal of suits in Chancery from the Jefferson Circuit Court to the Louisville Chancery Court, and for other purposes.

An act to amend an act, entitled, an act for the benefit of Eliza Maxfield and children, approved February 17, 1836.

An act providing for a change of venue in the prosecution against Ned, a slave.

An act for the benefit of Overton P. Hogan, and the heirs of Henry Case.

An act for the benefit of the widow and heirs of Abraham Wells, deceased, of Whitley county.

An act to prescribe the mode of procuring copies of releases executed by the Contractors on public works in the State of Kentucky.

An act for the benefit of the devisees and distributees of Sarah C. McLaughlin, deceased.

An act giving to the Mayor of the City of Covington, concurrent jurisdiction with Circuit Judges, in cases of idiots and lunatics.

An act for the benefit of Daniel P. White, and the heirs of John Y. Taylor, deceased, and Pleasant H. Williams.

An act authorizing a settlement with John Tilford.

An act providing for a change of venue in the prosecution against Calvin Fairbank.

An act for the benefit of Andrew Biggs, Deputy Sheriff of Greenup county.

An act to incorporate St. Paul's Protestant Episcopal Church in Newport, Kentucky.

An act to amend an act, approved March 2, 1844, establishing a Land Office west of the Tennessee river.

Mr. Hardin, from the committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled, an act to repeal an act enlarging the powers of the Trustees of the town of Madisonville, and for other purposes, reported the same without amendment.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

An act to allow an additional Justice of the Peace and Constable to Letcher county, and the amendments thereto, proposed by the House of Representatives, were laid on the table.

Mr. James, from the committee on Finance, to whom was referred a bill from the House of Representatives, entitled, an act for the benefit of Beverly Robinson, reported the same with the opinion of the committee that it ought not to pass.

Ordered, That the said bill be read a third time.

The constitutional rule as to the third reading being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Huston moved the following resolution, viz:

Resolved, That the Sergeant-at-Arms be authorized to purchase a sufficient number of plain split-bottomed chairs for the use of the Senate, by the 1st day of the next session.

Which was twice read and rejected.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills from that House of the following titles, viz:

An act for the benefit of James Angel.

An act to establish a State road from Canton, in Trigg county, to Mills' Point, in Fulton county.

An act to incorporate the first United German Protestant Church in the City of Louisville.

An act to amend the revenue laws.

An act for the benefit of the Sheriff of Meade county.

That they had disagreed to the amendment proposed by the Senate, to a bill from that House, entitled, an act to declare Station Camp Creek navigable, and for other purposes.

The Senate receded from their amendment to said bill.

And that they had adopted a resolution in relation to the census of the United States, which was twice read and concurred in.

On the motion of Mr. Huston, a message was sent to the House of Representatives, asking leave to withdraw the report of the disagreement of the Senate to the amendments proposed by that House, to a bill from the Senate, entitled, an act to place a part of the State road leading from Princeton to Centreville, in Caldwell county, under the power of the County Court of said county.

The said report being withdrawn, on the motion of Mr. Huston, the vote disagreeing to the said amendments was reconsidered, and the said amendments were concurred in.

On the motion of Mr. Wallace, leave was given to withdraw the petition of Wesley Dean.

Mr. Gray moved to lay all the unfinished business of the Senate on the table.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Drake and W. P. Boyd, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Boyd, W. P.	Gray,	Key,
Bradford,	Hardin,	Peyton,
Crenshaw,	Helm,	Slaughter,
Field,	Holloway,	Taylor,
Fox,	Huston,	Woodson—15.

Those who voted in the negative, were—

Messrs. Ballard,	Dyer,	Newell,
Bennett,	Harris,	Palmer,
Boyd, A.	James,	Rodes,
Carpenter,	Marshall,	South,
Chenault,	McAfee,	Swope,
Conner,	McElroy,	Wallace—19.
Drake,		

Mr. Drake moved to take up the bill, entitled, an act to establish election precincts in Franklin county, and the amendments proposed by the House of Representatives thereto.

The question being taken thereon, it was decided in the negative, the Senate being equally divided the Speaker voted in the negative.

The yeas and nays being required thereon by Messrs. Harris and Marshall, were as follows, to-wit:

Those who voted in the affirmative, were—

Messrs. Ballard,	Drake,	Newell,
Bennett,	Harris,	Palmer,
Boyd, A.	James,	South,
Carpenter,	Marshall,	Swope,
Chenault,	McAfee,	Wallace—17.
Conner,	McElroy,	

Those who voted in the negative, were—

Messrs. Boyd, W. P.	Gray,	Peyton,
Bradford,	Hardin,	Rodes,
Crenshaw,	Helm,	Slaughter,
Dyer,	Holloway,	Taylor,
Field,	Huston,	Woodson—17.
Fox,	Key,	

The several committees were discharged from the further consideration of all the business before them.

On the motion of Mr. McElroy, all the unfinished business of the Senate was laid on the table.

The following messages, in writing, were received from the Governor, by Mr. Hardin, Secretary of State, viz:

Gentlemen of the Senate:

I nominate for your advice and consent, Ezekiel Fleming, to be Acting Commissioner for the Green and Barren river navigation.

Henry T. Duncan and Madison C. Johnson to be Directors, on the part of the State, of the Northern Bank of Kentucky.

Virgil McKnight and Angereau Gray to be Directors, on the part of the State, of the Bank of Kentucky.

WM. OWSLEY.

February 10, 1845.

Gentlemen of the Senate:

I nominate for your advice and consent, Ryland T. Dillard to be Superintendent of Public Instruction.

WM. OWSLEY.

Gentlemen of the Senate:

I nominate for your advice and consent, the following Militia Officers, to-wit:

Amos Scudder to be Colonel of the 132d Regiment, 29th Brigade.

William P. Boone to be Lieutenant Colonel of the 132d Regiment.

Henry O'Neil to be Lieutenant Colonel of the 1st Regiment, 29th Brigade.

Thomas J. Clark to be Colonel of the 83d Regiment.

Leonidas J. Cralle to be Lieutenant Colonel of the 83d Regiment.

Albert K. Long to be Major of the 83d Regiment.

WM. OWSLEY.

Gentlemen of the Senate:

I nominate for your advice and consent, Crawford Anderson to be receiver of public moneys for the land district west of the Tennessee river, in place of Irvin Anderson, who refused to accept.

WM. OWSLEY.

February 10, 1845.

Resolved, That the Senate advise and consent to the said appointments.

Mr. W. P. Boyd moved the following resolution, viz:

Resolved, That the thanks of the Senate be hereby tendered to the resident Ministers of Frankfort, for their services rendered in opening the Senate with prayer during the present session.

The said resolution was unanimously adopted.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed enrolled bills and resolution which originated in the Senate, of the following titles, to-wit:

An act for the benefit of Henry Jones.

An act to change the name of William Henry Rice, of Boyle county, to that of William Henry Miller.

An act for the benefit of Susan R. Gist.

An act for the benefit of the heirs of Thomas Henry, deceased.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

A resolution providing for a final settlement of the concerns of the Old Bank of Kentucky.

Approved February 8, 1845.

An act to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth.

Approved February 10, 1845.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and a resolution, which originated in the Senate, of the following titles, and had found the same truly enrolled, to-wit:

An act for the benefit of John R. Wharton, and the heirs of William Clements.

An act for the benefit of Nancy Adams, a lunatic.

An act for the benefit of William Haydon, an Idiot.

An act for the benefit of Burr Harrison, and the infant heir of Elizabeth H. Bain, deceased, and for other purposes.

An act for the benefit of Daniel Bringle and others.

An act for the benefit of Johnson Hailey and Randolph Hailey.

An act for the benefit of the Surveyor of Trigg county.

An act for the benefit of Samuel Hutchason.

An act prescribing the duties of the Board of Commissioners of the Sinking Fund, and directing that all moneys set apart to constitute a Sinking Fund shall be paid into the Treasury.

An act to increase the resources of the Sinking Fund, and to provide for the burning of certain State bonds and coupons.

An act to provide for the removal of suits in Chancery from the Jefferson Circuit Court to the Louisville Chancery Court, and for other purposes.

An act for the benefit of the owners of mills and other property injured by slackwater.

An act to provide a change of venue in the prosecution against Benjamin E. T. Lee.

An act authorizing settlements to be made with the President of the Bank of the Commonwealth and the Board of Commissioners of the Sinking Fund.

An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton, and between the counties of Jefferson and Bullitt, and between the counties of Jefferson and Shelby.

An act to amend an act, entitled, an act for the benefit of Eliza Maxfield and children, approved February 17, 1836.

An act for the benefit of Overton P. Hogan, and the heirs of Henry Case.

An act providing for a change of venue in the prosecution against Ned, a slave.

An act authorizing the improvement of Capitol Square.

An act concerning joint obligors.

An act directing tolls on Turnpike roads to conform to the standard of federal coin.

An act to revive the act incorporating the Union White Sulphur Springs Company, approved 11th February, 1836, and for other purposes.

An act establishing additional election precincts in Harrison and Crittenden counties, and for other purposes.

An act to establish an election precinct in Spencer county, and for other purposes.

An act for the benefit of Sarah E. Snead, an infant, of the City of Louisville.

An act to authorize the opening of a State road from Colemansville, in Harrison county, by Falmouth, to Foster's Landing, on the Ohio river, in Bracken county.

An act to amend the charter of the City of Lexington.

An act to amend the charter of the Glasgow and Scottsville Turnpike Road.

An act to authorize the Trustees of the town of Breathitt to change an alley in said town.

An act declaring Russell's creek, in Green county, a navigable stream, and for other purposes.

An act to revive and continue in force, an act, entitled, an act to establish the town of Stamping Ground, in Scott county, approved January 24, 1834.

An act to place a part of the State road leading from Princeton to Centreville, in Caldwell county, under the power of the County Court of said county, and for other purposes.

An act to amend an act approved March 2, 1844, establishing a Land Office west of the Tennessee river.

An act to prescribe the mode of procuring copies of releases executed by the Contractors on public works in the State of Kentucky.

An act for the benefit of the devisees and distributees of Sarah C. McLaughlin, deceased.

An act to amend the charter of the Louisville and Portland Canal Company.

An act for the benefit of Daniel P. White, and the heirs of John Y. Taylor, deceased, and Pleasant H. Williams.

An act to incorporate Saint Paul's Protestant Episcopal Church, in Newport, Kentucky.

An act to change the place of voting in a precinct in Henderson county, and for other purposes.

An act for the benefit of Andrew Briggs, Deputy Sheriff of Greenup county.

An act to change the time of holding the Hart and Green Circuit Courts.

An act authorizing a settlement with John Tilford.

An act giving the Mayor of the City of Covington concurrent jurisdiction with Circuit Judges in cases of idiots and lunatics.

An act concerning the Northern Bank of Kentucky.

An act allowing an additional Justice of the Peace to Madison county, and for other purposes.

An act for the benefit of the administrator and heirs at law of Thomas Rogers, deceased, and for other purposes.

An act for the benefit of Robert Hill, and the heirs and widow of James M. Hill, deceased.

An act providing for a change of venue in the prosecutions against Calvin Fairbank.

An act regulating the terms of the Logan Circuit Court.

An act to repeal the 10th section of an act, entitled, an act to revive the act incorporating the Union White Sulphur Springs Company, approved 11th February, 1836.

An act for the benefit of the widow and heirs of Abraham Wells, deceased, of Whitley county.

A resolution in relation to the payment of dividends on the Bank stock owned by the State.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the Governor for his approbation and signature. Mr. A. Boyd reported that the committee had performed that duty.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that the Governor had approved and signed the said bills and resolution.

On the motion of Mr. Rodes, the petition of John Tilford and the accompanying documents were withdrawn.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed enrolled bills which originated in that House, of the following titles, to-wit:

An act the better to protect the purity of elections.

An act to regulate the weight of grain.

An act to allow an additional Justice of the Peace to Barren county, and for other purposes.

An act to change the venue in the case of John Cook, of the City of Louisville, charged with arson.

An act to authorize a change of venue in the case of James Hildreth.

An act for the benefit of Martha Beard, committee for Martha Ann Beard.

An act to amend an act, entitled, an act for the benefit of Paulina G. Rodes and her children.

An act for the benefit of Thomas Parker, Alexander Bruce and John Johnson, late Sheriffs of Lewis county.

An act to reduce the number of Justices of the Peace and Constables of Adair county, and for other purposes.

An act to amend an act incorporating the town of Paducah, and for other purposes.

Approved February 8th, 1845.

An act for the benefit of John B. McIlvaine.

Approved February 10, 1845.

Mr. A. Boyd, from the joint committee on Enrollments, reported that the committee had examined enrolled bills and resolutions which originated in the House of Representatives, of the following titles, to-wit:

An act to incorporate a Turnpike Road Company in the county of Greenup, and for other purposes.

An act to establish the town of Rowena on the land of John Leveridge, in Russell county, and for other purposes.

An act concerning the Penitentiary.

An act to incorporate the Greensburg Philalethic Society.

An act to amend an act, entitled, an act to amend the charter of the Owingsville and Big Sandy Turnpike Road Company.

An act for the benefit of Stephen and Sarah Skaggs, of Green county.

An act for the benefit of Elijah McWharter, Jesse Yantis and John Beaty.

An act authorizing Nathaniel Ferguson to peddle goods without license.

An act for the benefit of the Sheriff of Laurel county.

An act to amend the charters of the cities of Louisville and Covington.

An act for the benefit of the Sheriffs of Owen and Daviess counties.

An act supplemental to an act, approved January 14, 1845, for the benefit of the Methodist Episcopal Church in Elkton.

An act for the benefit of the Sheriff of Bourbon county, and for other purposes.

An act for the benefit of Alexander Graham, and others.

An act providing for a change of venue in the prosecution against Morton Pennington.

An act to amend an act concerning the town of Newport, and for other purposes.

An act for the benefit of James Squires, of Bourbon county, and for other purposes.

An act for the benefit of the children of Henry O. Byers.

An act to amend the charter of the Funk Seminary, in Oldham county.

An act to incorporate the United Baptist Church of Garnettsville.

An act for the benefit of George Washington Lafayette Bradley, and for other purposes.

An act to facilitate the collection of water rents upon Green and Barren rivers.

An act to repair Lock and Dam No. 1, on Barren river.

An act further to regulate the Fire Company in Shelbyville.

An act to run and re-mark the line between the counties of Montgomery and Morgan.

An act for the benefit of the Port Royal Seminary, in Henry county.

An act for the benefit of James Angel and Burnley D. Smith.

An act for the benefit of Beverly Robinson.

An act to amend the revenue laws.

An act to declare Station Camp Creek navigable, and for other purposes.

An act divorcing William L. England.

An act for the benefit of the estate of Charles H. Webb, deceased, and for other purposes.

An act for the benefit of the Sheriff of Meade county, and for other purposes.

An act to revive and continue in force the several acts concerning the town of Concord, in Lewis county, and for other purposes.

An act to repeal an act enlarging the power of the Trustees of the town of Madisonville, and for other purposes.

An act to incorporate the first United German Protestant Church in the City of Louisville.

An act for the appropriation of money.

An act to establish a State road from Canton, in Trigg county, to Mills' Point, in Fulton county.

An act to amend the law in relation to keeping public roads in repair, and for other purposes.

An act for the benefit of James G. Hardy.

Resolution in relation to the sixth census of the United States.

Approved February 10, 1845.

The said bills and resolution having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and they were delivered to the committee to be presented to the

Governor for his approbation and signature. After a short time Mr. A. Boyd reported that the committee had performed that duty.

A message was received from the House of Representatives, announcing that they had received official information that the Governor had approved and signed the said bills and resolutions.

Messrs. Helm, Huston and Slaughter were appointed a committee on the part of the Senate, to wait on the Governor and inform him that the General Assembly have finished their legislative business, and are now ready to adjourn, and to know if he has any farther communication to make to them.

A message was sent to the House of Representatives to inform them that they have finished their legislative business, and are now ready to adjourn; and that they had appointed a committee, on their part, to wait on the Governor to know if he has any farther communication to make.

A message was received from the House of Representatives, announcing that they had finished their legislative business, and are now ready to adjourn; and that they had appointed a committee, on their part, to wait on the Governor to inform him of the intended adjournment, and to know if he has any farther communication to make.

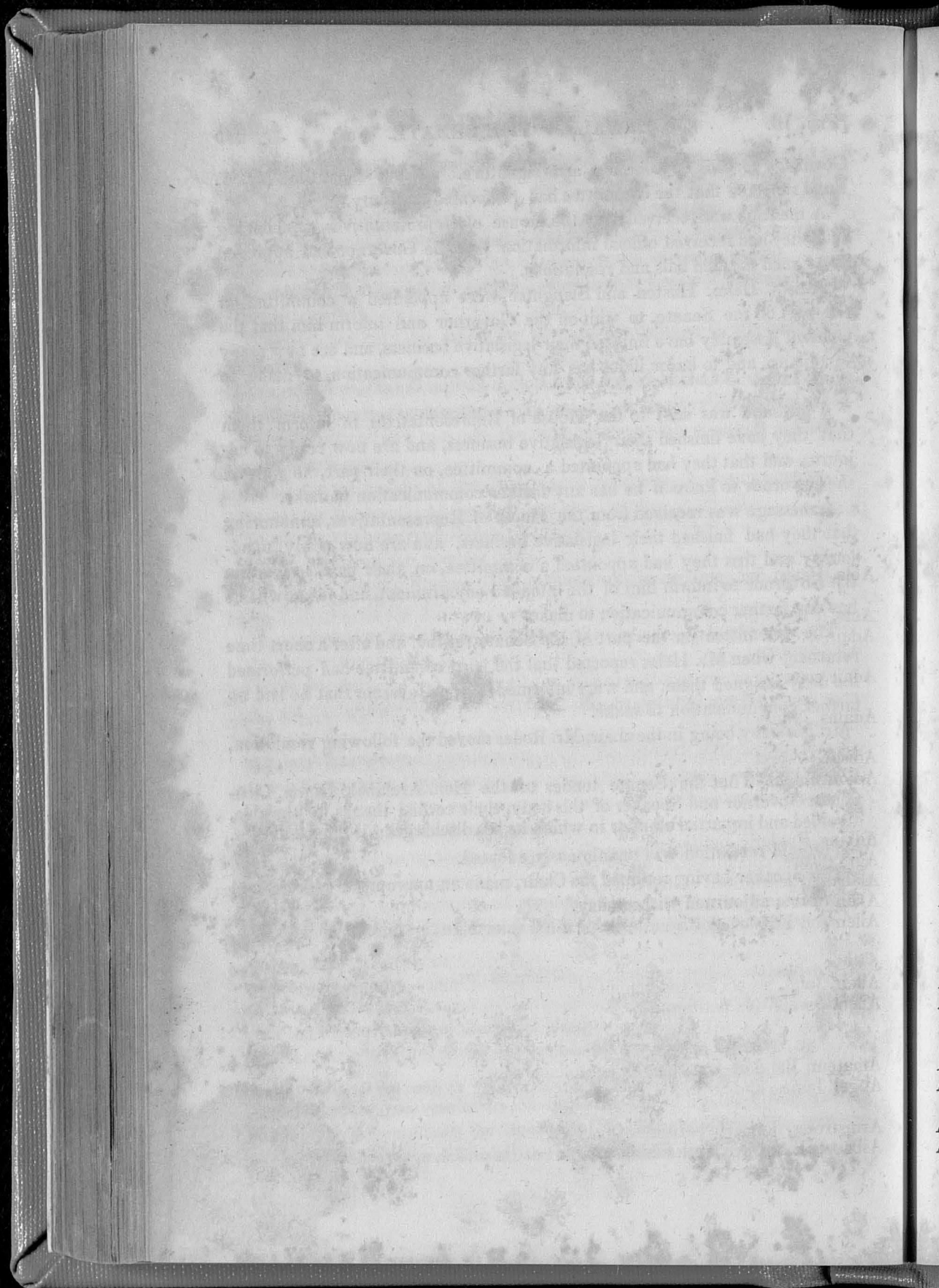
The committee on the part of the Senate retired, and after a short time returned, when Mr. Helm reported that the joint committee had performed the duty assigned them, and were informed by the Governor that he had no farther communication to make.

Mr. McElroy being in the chair, Mr. Rodes moved the following resolution, to-wit:

Resolved, That the Senate tender to the Hon. Archibald Dixon, Lieutenant Governor and Speaker of this body, their cordial thanks for the able, dignified and impartial manner in which he has discharged his official duties.

The said resolution was unanimously adopted.


The Speaker having resumed the Chair, made an appropriate address, and the Senate adjourned without day.



INDEX

TO

THE JOURNAL OF THE SENATE.

 THE FIGURES REFER TO THE PAGES.

- Able, Peter, &c., petition of, to change a fish trap on the Beech Fork 99
 a bill for that purpose 157, 245, 246, 259, 268
- Acts, a resolution to print a list of 274
- Adair, &c., a bill to add to the 18th Judicial District 75—see Circuit Courts.
- Adair county, an act to add a part of, to Casey 39, 46, 70, 77
 —see Constables, Election Precints and Justices.
- Adams, Nancy, petition of 177
 a bill for the benefit of 217, 289, 294
- Adison, a slave, an act granting him a change of venue 65, 73, 112, 129, 147
- Adjournment of the General Assembly, resolutions fixing a day for 39, 180, 185, 193
 question on 211, 219, 274
- Adkins, Frederic, petition of 90
- Agriculture, committee on appointed 27
- Alabama, resolutions of the State of 269
- Allen county, Sheriff of, nominated 50
- Allen and Edmonson Circuit Courts, a bill to change the time of holding 75, 93
 —see Logan.
- Allen, John, an act for the benefit of 148, 192, 209, 220
- Allen, Joseph N., petition of 50
 a bill granting him a change of venue 61, 89, 112, 131, 150
- Amateur Band of Danville, an act to incorporate 185
- Angel, James, and Smith, B. D., an act for the benefit of 78, 93, 108, 122, 291, 298
- Armstrong, John H., petition of 156
- Asbery, J., an act authorizing him to build a mill dam across Licking river 148, 192, 209, 220

- Ashbrook, James C., petition of widow of 60
 a bill for the benefit of the widow of 133, 171, 179, 192
- Ashby, Narcissa, petition of 177
- Alsop, Benjamin, an act to legalize the appointment of, as Constable 65, 73, 130, 147
- Atherton, Stephen, an act for the benefit of 108, 175, 209, 220
- Attorneys at Law, a bill to authorize the taking the depositions of 196, 284
- Attorneys for the Commonwealth, nominated 50, 212, 245
- Auditor, First, annual report of 24—and documents.
 a resolution to enquire as to abolishing the office of 47
 the report thereon 105
 a bill to abolish the office of, &c. 107, 158, 170, 173
- Auditor, Second, annual report of 23—and documents.
- Augusta—see towns.
- Bail Law in civil cases, an act to amend 172, 182
- Bailey, Daniel, an act for the benefit of 65, 101, 112, 129, 148
- Bailey, James, &c., an act for the benefit of 202, 240
- Ballard county—see Constables.
- Ballingal, David, protest of 27—see election in the 27th Senatorial District.
- Banks, committee on appointed 27
 their report 177—and documents.
 resolution in relation to the payment of dividends on the stock owned by the State in 193, 284, 296
 of the Commonwealth, a bill to extend the charter of 28, 36, 48, 54
 a bill to settle the accounts of 127, 158, 227, 289, 294
 report of the President of 34
 of Kentucky, Directors of, nominated 293
 of Kentucky, Old, a resolution to close the concerns of 30
 report of the Agent of 90
 a resolution to appoint a commissioner to ascertain the condition and to provide for a final settlement of the concerns of 202, 261, 275, 294
- Northern, of Kentucky, a bill concerning 127, 144, 288, 296
 Directors of nominated 293
- Baptist Church at Garnettsville—see United Baptist Church, &c.
- Baptist Theological Institute at Covington, a bill to amend an act to incorporate 127, 134, 171, 179, 192
- Barbee, John, petition of 149
- Bardstown—see Mechanics—Towns.
- Bardstown Female Seminary, a bill to incorporate 121, 134, 171, 179, 192
- Barren county—see Justices.
- Barren River, an act to repair Lock and Dam No. 1, on 220, 241, 255, 265, 298
- Bartlett, John, and heirs of H. Comsty, a bill for the benefit of 96
- Bartlett, Richard, petition of 123
 a bill for his benefit 146, 150, 245, 246, 259, 268
- Bates, Daniel, a bill for the benefit of his executors, &c. 96, 102
- Beal, Fanny, &c., an act for the benefit of 137, 151, 181, 209, 220

INDEX.

303

Bear Creek, a petition to declare, navigable	119
a bill for that purpose	133, 212, 237, 246
Beard, Martha, an act for the benefit of	160, 182, 238, 276, 297
Beaty, John, &c., an act for the benefit of	202, 240, 262, 297
Beach Fork, petition of Wm. Read, &c., to change a fish trap on	99
a bill permitting them to do so	157, 245, 246, 259, 268
Begly, Hiram, an act for the benefit of	65, 101, 113, 129, 148
Benton—see towns.	
Berry, William, and wife, an act for the benefit of	89, 104, 130, 147
Blackburn, C. J., petition of	51
a bill for his benefit	151, 244, 258, 268
Blakeman, Moses, petition of	149
Blandville—see Towns.	
Blind, Institution for the Education of, a resolution for the committee	38
on Banks to examine	
annual report of the Visitors of 72—and documents.	
a bill for the benefit of	97, 134, 235, 261, 275, 293
Bolt, Isaac, an act for the benefit of	71, 101, 130, 147
Booker, Sally B., an act for the benefit	53, 93, 131, 159, 179, 196
Boone county—see Justices.	
Boren, Tarlton, an act granting him a change of venue	176, 218, 237, 249
Bourbon county—see Sheriffs.	
Bowlinggreen, an act for the benefit of Mechanics in	34, 46, 69, 77
Boyle Circuit Court, a bill to change the time of holding	124, 160, 194, 219, 244, 259, 268
Bradford, Thos. H., took his seat 41—see Election in 27th Senatorial District	27, 28, 32, 38, 57, 70, 94, 118, 228
Bradley, Geo. W. F., act for the benefit of	202, 240, 261, 298
Breathitt—see Towns.	
Breckinridge county—see Sheriffs.	
Bridge across Ohio, petition to incorporate a company to build	176
—see Kentucky Ohio Bridge Company, a petition for	176
a bill to incorporate	238, 273
Briggs, Andrew, a bill for the benefit of	133, 290, 296
Bringle, Daniel, a bill for the benefit of	96, 214, 289, 294
Brite, Jno. W., &c., a petition of	35
a bill for the benefit of	274
Bruckett, Frederic, a petition of	35, 67
Buckner, John, Sheriff of Christian, a petition of	156
Bullitt, Wm. N. & Co., a bill for the benefit of	221
Burksville, an act authorizing the appointment of a Police Judge in	172, 182
Butler, Nathan, a petition of	91
a bill for the benefit of	103
Butler, Wm., an act for the benefit of	60, 68, 86, 98
Byers, Henry O., an act for the benefit of his children	172, 182, 263, 298
Caldwell, John J., nominated Police Judge of Columbia	158, 174
Caldwell county—see Election Precincts and Justices.	
Calloway—see Sheriffs.	

- Campbell county, a petition for County Court to appoint a collector 123
 a bill for do. 146, 212, 242, 259, 267
- Campbell and Pendleton, a bill to run and mark the line between 195, 241,
 289, 294
- Canal Company, Louisville and Portland, annual report of President
 and Directors of 97—and documents.
 a bill to amend the charter of 217, 220, 238, 284, 295
- Capitol Square, a bill authorizing improvement of 58, 144, 242, 290, 295
- Carlisle, Wm. B., Lewis and Archy S., Deputy Sheriffs of Green coun-
 ty, an act for the benefit of 119, 134, 152, 156
- Carter county—see Lands, Justices, Election Precincts.
- Case, Henry, heirs of, petition 137
 a bill for the benefit of 262, 290, 294
- Casey—see Justices.
- Census of United States, a resolution in relation to 291, 298
- Centre Point Meeting House, an act to incorporate 39, 66, 77, 130, 148
- Chairs for Senate Chamber, a resolution to purchase 291
- Chancery, a bill to regulate proceedings in 28
 Court of Louisville, Marshal of, nominated 50
 a bill further to regulate proceedings in 75, 176
 a bill to provide for the removal of suits from the Jefferson
 Circuit Court to 221, 252, 290, 294
 proceedings, an act to amend the law in relation to, &c. 107, 178
 a bill do. 262
- Chenault, W., leave of absence granted to 37
- Children, a bill concerning binding them out 120
- Chiles, Fleming N., and Garland, petition of 91
 a bill for their benefit 103
- Christian county—see Sheriffs.
- Circuit Courts, Judge of, nominated ✓ 212, 245, 250
 an act to change the 8th and 18th Judicial Districts 172, 182,
 239
 a bill to establish the 20th Judicial District 96
 Adair, &c., a bill to add the county of to the 18th Ju-
 dicial District 75
 Allen and Edmonson, a bill to change the time of hold-
 ing 75, 93
 Garrard, a petition to change the time of holding, and
 remonstrance 72
 Hart and Green, &c., a bill to change the time of hold-
 ing 217, 284, 296
 Hart, &c., a bill to add, to the 8th Judicial District 75
 Logan, &c., a bill to change the terms of 120
 Marion, a bill to establish a Chancery term, &c., of 123, 143,
 160, 179, 196
 Muhlenburg and Boyle, a bill to change the time of
 holding 124, 160, 194, 219, 244, 259, 268
- Civil cases, an act to amend bail law in 172, 182
- Clerks, an act requiring duties of, concerning commissioners' books 72, 101,
 113, 129, 148
 an act to regulate certain duties of 78, 93, 143, 160, 179, 196

- Clerk Clinton County and Circuit Courts, an act for the benefit of 49
 General Court and Louisville Chancery Court, an act re-
 quiring them to perform certain duties 172, 182
 Clements, Wm., a petition of, to divide land amongst his heirs 90
 a bill for the benefit of, &c. 227, 289 294
 Clinton county—see Clerks.
 Cloverport Seminary, a bill to incorporate 37, 79, 160, 179, 192
 Cocke, Lucy G., and children, an act for the benefit of 119, 124, 152, 156
 College in Union county, Henry Clay Institute, a bill to incorporate 136,
 174, 249, 259, 267
 Collins, Susan B., a bill for the benefit of her heirs 178, 261, 275
 Columbia, Police Judge of, nominated 158, 174
 Committees, standing, appointed 26, 27
 discharged from unfinished business 292
 to wait on Governor 299
 Commonwealths' Attorneys nominated 50, 212, 245
 Constables, a bill to amend an act in relation to 48, 79, 160, 179, 192
 acts, &c., concerning, in
 Adair 185, 260, 276, 297
 Ballard 89, 104, 113, 129, 148
 Johnson 35, 46
 Letcher 137, 180, 290
 Oldham 72, 145, 212, 242, 259, 268
 Pulaski 60, 68, 86, 98
 Whitley 34, 46, 59, 70
 Contractors, a bill to obtain copies of releases from 69, 92, 290, 295
 —see Rivers.
 Cook, John, an act to change venue 185, 238, 275, 296
 Cotton, Daniel, a petition for 113, 120
 remonstrance 113, 120
 County Court of Russell, a bill to allow a called term of 112
 Davies, a bill to authorize, to lease a part of the pub-
 lic square in Owenborough 148, 175, 209, 220
 Lincoln, an act to allow an additional term to, &c. 108,
 124, 152, 156
 Rockcastle, an act to regulate the time of holding 172, 182,
 238, 260, 283
 witnesses attending, an act to amend the law in re-
 lation to claims for 185
 —see Estill.
 Covington—see Towns.
 Fire Engine and Hose Company, an act requiring the list of
 members of, to be reported to Clerk 34, 56, 85, 98
 a bill giving the city, jurisdiction in cases of idiots and luna-
 tics 144, 290, 296
 Cox, Jane, an act for her benefit 41, 150, 179, 196
 Craddock, Paschal D., an act granting him a change of venue 113, 143, 159,
 179, 196
 Craft, George, a bill authorizing his widow to convey land 202
 Crittenden county—see Election Precincts.
 39

- Crittenden, John A., nominated Marshal of the Louisville Chancery Court 50
- Cross, Thomas, an act for his benefit 89, 108, 129, 146
- Cumberland College Association, petition of 30
- a bill to amend the charter of 51, 59, 69, 74
- Cumberland Hospital, report of Trustees of 99
- Trustees nominated 204
- Cunningham, John, an act for his benefit 60, 134
- Danville Artillery, an act for the benefit of 149, 215, 244, 260, 283
- see Amateur Band.
- Davidson, James—see Treasurer.
- Daviess County Court, a bill authorizing, to lease a part of the public square in Owenborough 148, 175, 209, 220
- Deaf and Dumb Assylum, annual report of Trustees of 72—and documents.
- Dean, Wesley, petition of 60, 291
- Deeds, &c., commissioners to take acknowledgement of, nominated 50
- Deneal, Merial, a bill to amend an act for the benefit of 121, 124, 160, 180, 192
- Depositions, a bill authorizing the taking of, Attorneys at law 196, 284
- Dixon, Archibald, Speaker, vote of thanks to 299
- Dividends of Bank stock owned by the State 193, 284, 296
- Divorces, a bill to amend an act regulating 128, 276
- Divorces, committee directed to report against certain 24
- Dobyns, D. R. D., guardian of J. H. Crabtree, &c., petition of 66, 73
- Dolan, Thomas, nominated Notary Public 50
- Doran, Thomas, petition of 119
- Doris, Elizabeth, heirs, an act for their benefit 185, 263
- Drapier, A. E., admitted as reporter 23
- Dyer, Mr., leave of absence to 37
- Eastin, Henry J., petition of 108, 114
- Edmonson and Allen Circuit Courts, a bill to change the time of holding 75, 92
- Education, committee on appointed 26
- report of committee on, of members elected 191
- Election in the 27th Senatorial District 27, 28, 32, 38, 57, 70, 94, 118, 228
- laws, resolution to enquire as to amending 64
- Elections, a bill better to protect the purity of 123, 191, 197, 210, 222, 244, 275, 296
- precincts, acts establishing, &c.
- in Adair 65, 73, 130, 147
- in Caldwell 33, 57, 71, 86, 91
- in Carter 117, 120, 160, 180, 192
- in Crittenden 177, 181, 288, 295
- in Franklin 107, 137, 190, 288, 292
- in Harlan 49, 65, 66, 85, 92, 98, 130, 147
- in Harrison 172, 180, 288, 295
- in Henderson 284, 295
- in Hopkins 53, 66, 85, 98

- Election precincts, acts establishing, &c.
 in Jefferson 49, 66, 94, 130, 147
 in Town of Landing 172, 182, 190, 209, 220
 in Kenton 149, 190, 209, 220
 Madison 149, 190, 209, 220
 Perry 65, 74, 130, 147
 Pike 53, 66, 85, 98
 Spencer 161, 190, 295
 Whitley 34, 57, 85, 98
 England, Wm. L., an act divorcing 288, 298
 Enrolments, committee on appointed 27
 Estates, a bill to repeal an act of 1839 to regulate the settlement of 37
 Estes, Marietta H., and children, a bill for the benefit of 128, 174, 249, 259, 268
 Estill County Court, an act to legalize the proceedings of 65, 73, 129, 148
 Evans, Erastus, petition of 54, 214
 Ewers, James B., heirs of, petition to sell real estate of 129
 a bill for the benefit of the heirs of 174, 244, 259, 268
 Execution laws, a bill to amend 24
 a bill exempting certain property from 51, 62, 94, 249, 259, 268
 petition concerning 72
 —see Slaves.
 Executive Affairs, committee on appointed 26
 Fairbank, Calvin, petition of 55
 a bill granting him a change of venue 113, 290, 296
 Falmouth Bridge Company, a bill giving further time to complete, &c. 37,
 120, 174, 244, 259, 268
 Farrar, Martha, petition of 23, 67
 Farish, Stephen M., an act for his benefit 89, 102, 130, 147
 Federal Relations, committee on appointed 27
 Fenwick, Lewis, elected Doorkeeper 8
 Furguson, Nathaniel, an act authorizing him to peddle goods without
 license 202, 241, 277, 297
 Ferrell, Elijah, petition of 23, 67
 Ferries, an act to amend the law establishing 185
 across the Ohio, a bill to amend an act better to protect 181, 203
 Ferry at Carrollton, petition for 137, 174
 Field, Wm. B., an act for his benefit 197, 240
 Field, Wm. H., took his seat in the Senate 26
 Finance, committee on appointed 26
 Fire Company in Shelbyville, an act further to regulate 172, 182, 262, 298
 Fire Engine and Hose Company of Covington 34, 56, 85, 98
 Fleming, Lewis, Carter and Morgan, petition for a new county out of 53
 remonstrances 60, 99, 112
 Flora, John W., an act for the benefit of 119, 124, 152, 156
 Floyd Circuit Court Clerk, a bill for his benefit 55, 71, 86, 91
 Forsythe, Fobert, a bill for his benefit 75, 78
 Fraley, Henry H., an act for his benefit 49, 57, 86, 98
 Franklin county, election precincts 107, 137, 190, 288, 292

- Frederick, F., and wife, petition of 129—see Keck, John. 181
- Friend, Samuel K., a bill for his benefit 39, 46, 59, 70, 146
- Fugate, Mary Ann, an act for her benefit 53, 62, 70, 98
- Fulton, an act to establish the county of 121, 134, 171, 179, 192
- an act supplemental thereto 212, 245
- Justices of, nominated 214
- Sheriff and Coroner of, nominated 245, 283, 298
- Funk Seminary, an act to amend the charter of 172, 182, 190, 209, 220
- Garnett, Benjamin E., an act for voting at his house 69
- Garnett, Harris T., a bill for the benefit of 197, 276
- Garnett, Susan, petition of 72
- Garrard Circuit Court, petition to change the time of holding, and re-monstrance
- Garrard county—see Sheriffs.
- General Assembly, a bill to change the time of meeting 96, 195, 216, 241
- adjournment of 39, 180, 185, 193
- General Court, Clerk of 172, 182
- German Protestant Church, an act to incorporate 197, 240, 276, 291, 298
- Gist, David R., an act for his benefit 78, 93, 102
- Gist, Susan R., a bill for her benefit 221, 261, 275, 293
- Goodwin, Sarah Ann, petition of 90
- a bill to change her name 104, 160, 179, 192
- Governor's annual message 9
- referred 28
- message nominating Sheriffs 25, 27, 50, 111, 131, 132, 183
- Goyer, David, and J. M. Webb, petition of 176
- a bill authorizing, to erect a dam across Nolin 206
- Graham, Alexander, an act for his benefit 160, 182, 261, 297
- Graham, Charles S., an act divorcing 137, 151, 183, 209, 220
- Grain, an act regulating the weight of 113, 136, 243, 245, 261, 296, 299
- Grant county—see Sheriffs.
- Graves county, petition for Board of Internal Improvement in, to loan money 212
- see Sheriffs.
- Green county—see Sheriffs and Circuit Courts.
- Green and Barren rivers, commissioners of, nominated 50
- see rivers.
- Greensburg Philalethic Society, an act to incorporate 221, 241, 262, 297
- Greenup—see Justices and Sheriffs.
- Guardians, an act to amend acts regulating the settlements of the accounts of 172, 182
- Gunter, Wiley J., petition of 30, 67
- Hailey, Johnson and Randolph, a bill for the benefit of 217, 289, 294
- Hall, J. Smith, nominated commissioner of deeds, &c. 50
- Hamilton, Amelia M., an act for her benefit 53, 61, 85, 98
- Hammond, Joseph, a bill for his benefit 145
- Hardesty, Samuel, a bill for his benefit 136
- Hardin, Ben, nominated Secretary of State 78

INDEX.

309

- Harding, Jonathan, executor, petition of 176
- Harlan county—see Election Precincts.
- Hardy, James G., an act for his benefit 283, 298
- Harlan, James, nominated Notary Public 50
- Harrison, Burr, petition of 129
 - a bill for the benefit of, and heirs of E. H. Bain 174, 250, 273, 294
- Harrison—see Election Precincts.
- Harrodsburg, Police Judge of, nominated 111
- Hart, Wm., and Wm. L. Smith, an act for the benefit of 53, 134
- Hart and Green Circuit Courts, a bill to change the time of holding 284, 296
- Hart, &c., a bill to add to the 8th Judicial District 75
 - see Circuit Courts.
- Hartford Bridge Company, an act to amend an act to release to Ohio county the interest of the State in 148, 192, 209, 220
- Hatcher, Robert A., nominated Police Judge of Hickman 197
- Hauser, Samuel T., nominated Commonwealth's Attorney 50
- Havens, Coonrod, a bill for his benefit 33
- Haydon, Wm., petition to sell land of 149
 - a bill for his benefit 217, 289, 294
- Helm, John L., took his seat 37
 - chosen Speaker for the occasion 119
- Henderson, Surveyor's books of, a bill authorizing a transcript of 69, 133, 171, 195, 217, 244, 259, 268
 - see Election Precincts.
 - Land Company, petition to legalize deed of partition 123, 212
- Henry Clay Institute, a bill to incorporate 136, 174, 249, 259, 267
- Henry, Thomas, petition of widow and heirs of 149
 - a bill for the benefit of heirs of 175, 349, 275, 294
- Hereford, James H., petition of 53, 174
- Heston, Isaiah—see Sheriff of Breckinridge.
- Hickman, Police Judge of, nominated 197
- Hildreth, James, an act giving a change of venue 160, 182, 238, 275, 297
- Hill, Robert, and widow and heirs of James M. Hill, a bill for the benefit of 284, 296
- Hogan, Overton P., petition of 137
 - a bill for the benefit of, and heirs of Henry Case 262, 290, 294
- Hopkins county—see Election Precincts.
- Hoskins, Rachel, petition of 38, 55, 131
- Hoskins, Aquilla, an act for his benefit 49, 67, 130, 148
- Hospital at Paducah—see Marine Hospital.
- Hospitals, resolution consenting to United States to purchase a hold land for sites of, at Louisville and Paducah 121, 128, 152, 157
- Howard, Joseph, an act for the benefit of 99, 111, 160, 179, 196
- Huffaker, Henry, petition of 23, 52, 54
 - Mrs., depositions for 54
- Huffman, Henry, an act to change venue in his case 123, 175, 209, 220
- Hughes, Brice M., petition of 27
- Hull, Calvin A., an act for his benefit 160, 182, 279

- Hutchason, Samuel, petition of 149
 an act for his benefit 206, 289, 294
- Idiots and Lunatics, a bill to amend an act in relation to 48
- Inspector, &c., of whiskey, &c., petition to appoint 161
- Insurance Company, Kentucky and Louisville Mutual, report of 31
- Internal Improvement, committee on appointed 26
- resolution as to abolishing Board of 47
- report on 105
- a bill to abolish Board of 107, 158, 170, 173
- report of Board of 58—and documents.
- a communication from the President of Board of 97
- see Green and Barren rivers and Kentucky river.
- see slackwater, Graves county.
- report of President of Board as to costs of, &c. 197
- resolution for Board of, to obtain information 258
- concerning Turnpike Roads 208
- Indiana, joint resolutions of the State of
- Janes, David, and wife, and act for their benefit 65, 101, 130, 147
- Jefferson Circuit Court—see Chancery suits.
- Jefferson county—see Election Precincts.
- and Bullitt, a bill to run and mark the line between 241, 289, 294
- and Shelby do. 241, 289, 294
- Jeffries, Sophia, depositions in favor of her divorce 70
- a bill to change her name 93, 108, 160, 179, 192
- Jenkins, Charles C., an act for the benefit of his widow and heirs 49
- Johnson county—see Justices and Constables.
- a bill to supply certain Justices with Digest 39, 56, 71, 86, 91
- Johnson, Isaac, &c., an act for the benefit of 49, 60, 71, 85, 98
- Johnson, James, petition of 60
- a bill permitting him to erect a mill dam across the middle fork of Kentucky river 67, 148, 152, 157
- Johnson, William, a bill for the benefit of the heirs of 96, 258, 268
- Johnson, William, petition of widow of 97
- a bill for the benefit of the heirs of 151, 244
- Joint Obligors, a bill concerning 151, 178, 246, 290, 295
- Jones, Henry, a bill for his benefit 151, 178, 261, 275, 294
- Judicial Districts—see Circuit Courts.
- Judiciary, committee on appointed 26
- Justices, a bill to reduce the number of, in this Commonwealth 117, 125
- acts, &c., concerning, &c.
- in Adair 185, 260, 276, 297
- in Barren 119, 124, 160, 195, 219, 237, 246, 249, 276, 296
- in Boone 89, 103, 130, 147
- in Caldwell 65, 74
- in Carter 96, 104, 160, 195, 212, 237, 246
- in Casey 77, 93, 104, 130, 148
- in Greenup 39, 51, 65, 70, 73, 77, 130, 147

- Justices, acts, &c., concerning, &c.
 in Johnson 35, 39, 46, 51, 59, 69, 70, 74, 77
 in Letcher 137, 180, 290
 in Lincoln 108, 124, 152, 156
 in Madison 284, 296
 in Marshall 107, 114, 160, 179, 196
 in Trimble 89, 104, 130, 147
 in Wayne 71, 92, 113, 131, 147
 in Whitley 34, 46, 59, 70
 in Fulton 212, 245
- Keedy, Julia Ann, an act to permit her to import slaves 49, 57, 85, 98
- Kenton county—see Election Precincts, Armstrong, John H.
- Keeton, Thomas B., petition of 90
- Kek, John, petition to sell real estate of 129
 a bill for relief of heirs of 174, 249, 259, 268
- Kentucky and Louisville Mutual Insurance Company—see Insurance Companies.
- Kentucky Mining Company—see Mining Company.
 Ohio Bridge Company, a petition for 176
 a bill to incorporate 238, 273
 river, an act to regulate tolls on 236, 346, 256, 266
- Kentucky and Tennessee, a bill to run and re-mark a portion of the line between 144, 171, 179, 192
- King, George W., petition of 72, 213
- King, Solomon—see Mitchell Shadrack 202, 240
- Knox and Harlan, petition for new county out of 161, 180
- Kohlhass, Theodore, appointed Assistant Clerk 8
- Lafon, John, petition of 27, 46, 59
 an act for his benefit 99
- Lancaster—see Towns 176, 218, 244, 260, 283
- Land Office west of Tennessee river, a bill to amend an act establishing 59, 278, 290, 295
 receiver of public money, nominated 293
 sold for taxes, and act to change the mode of advertising 185, 298
- Land warrants, a bill to give further time to have surveys made on 24, 25, 29, 45, 93, 249, 259, 267
 —see Sinking Fund 158, 175, 244
- Lands, resolution to enquire as to the mode in which the State may acquire title to, sold for taxes, &c. 97
 vacant, in Lawrence and Carter, an act to reduce price of 34, 55, 85, 98
 in Laurel, do. 34, 55, 69, 77
- Larue county—see widows 78, 93, 114
 —see Sheriffs.
 Court, a bill to change the time of holding 127, 144, 161, 195, 212, 238, 248

- Laurel county—see lands 34, 55, 69, 77
 —see Sheriffs.
- Lawrence county—see Lands 34, 55, 69, 77
- Lee, Ben. E. T., petition of 66
 a bill to provide for a change of venue in his case 221, 289, 294
- Letcher county—see Justices and Constables.
- Lewis county—see Sheriffs.
- Lewis, Edmund, Sheriff of Green, an act for his benefit 113, 120, 131, 147
- Lexington—see Towns.
 —see Railroad.
- Librarian, annual report of 172—and documents. 27
- Library, committee on appointed 119, 152, 156
- Library Association at Newport, an act establishing 119, 129
- Licking river, petition of Contractors on
 an act permitting A. Rawlings, &c., to erect a mill dam across 148, 192, 209, 220
- Limitations, statute of, an act to amend, on merchants accounts 71, 92
- Lincoln County Court, an act to allow an additional term to, &c. 108, 124, 152, 156
 —see Justices.
- Little Barren river, a petition to declare navigable 72
 a bill for do. 133, 212, 257, 246
- Lock and Dam, an act to repair, No. 1, on Barren river 220, 241, 255, 265, 298
- Logan Circuit Court, a bill regulating the terms of 284, 296
- Logan, Allen, Edmonson and Simpson Circuit Courts, a bill to change the times of 120
- Long, Nicholas, petition of 172, 277
- Louisville Chancery Court, Marshal of, nominated 50
 Clerk of, an act requiring to perform certain duties 172, 182
 a bill to provide for the removal of suits in Jefferson Circuit Court to 221, 252, 290, 294
 a bill further to regulate proceedings of 175, 176
- Louisville, an act defining southern limits of 65, 73, 130, 147
 a bill to prevent illegal voting for Mayor, &c., in 112
 and Portland Canal Company, annual report of President and Directors of 97—and documents.
 a bill to amend charter of 217, 220, 238, 284, 295
 —see Towns.
- Loving, Wm. V., nominated Commonwealth's Attorney 212, 245
- Lowry, Nancy, and R. W., an act for their benefit 65, 74, 94, 114, 159, 179, 196
- Lunatic Asylum, a resolution to appoint a committee to examine 29, 33, 34, 39, 52, 54, 70
 committee appointed
 report 257—and documents.
 annual report of commissioners of 89—and documents. 284
 an act for the benefit of
- Lyle, Daniel, an act for the benefit of his heirs 185, 218, 237, 249

INDEX.

313

- McCracken county, Sheriff of, nominated 131
- McDonald, John, a bill for his benefit 159
- McElroy, Hiram, took his seat 89
- McElya, John, act for the benefit of widow and heirs of 49, 103, 130, 147
- McFadden, John, petition of heirs of 66, 73
- McGarey, Susanna, an act for her benefit 137, 151, 181, 209, 220
- McGuire, Archibald, &c., a petition of 27—see Owsley county.
- McIlvain, John B., an act for his benefit 161, 182, 238, 276, 297
- McKee, George R., letter of 250
- McKee, James H., a bill for the benefit of the sureties of 136, 174, 249, 259, 268
- McLarning, John, nominated Commonwealth's Attorney 50
- McLaughlin, Sarah C., petition of 30
 - a bill for the benefit of devisees, &c., of 108, 290, 295
- McReynolds, J. A., petition of 91
 - a bill for the benefit of, and others 103
- McWharter, Elijah, Joseph Yantis, and John Beaty, an act for the benefit of 202, 240, 262, 297
- Madison county—see Election Precincts and Justices.
- Madisonville—see Towns.
- Marine Hospital at Paducah, resolutions in relation to 40, 69
- Marion Circuit Court, a bill establishing a chancery term, &c., of 123, 143, 160, 179, 196
- Marion and Washington counties, a petition to straighten line between 129
 - see Washington.
- Marshall county—see Justices and Sheriffs.
- Mason county, a bill for vote to be taken concerning the removal of Seat of Justice 117, 137, 138, 171, 209, 213
- Mason, John M., nominated Commissioner of deeds, &c. 50
- Maxfield, Elijah, petition of 197
 - a bill to amend an act for the benefit of, and children 262, 290, 294
- May, Samuel, petition of 151
 - a bill for the benefit of 193, 220, 238, 267
- Mayhall, John, elected Sergeant-at-Arms 4
- Maysville Manufacturing Company, an act to amend an act incorporating 60, 86, 95, 112, 129, 148
- Maysville, Mayor of nominated 109, 143
 - see Towns.
- Meade county—see Sheriffs and Circuit Courts.
- Mechanics, an act for their benefit 283
 - of Bardstown, a bill for the benefit of 33
 - and Nelson county, do. 41, 52, 70, 77
 - in Bowlinggreen, an act for the benefit of 34, 46, 69, 77
- Merchants accounts, an act to amend the statute of limitations on 71, 92
- Merime, Wm., petition of heirs of 119
- Metcalf, a bill establishing the county of 114
- Methodist Episcopal Church in Elkton, an act for the benefit of 49, 67, 85, 98
 - an act supplemental thereto 172, 182, 262, 297

- Military Affairs, committee on appointed 26
 Militia law, a bill to amend 24, 195
 system, a petition for the modification of 156
 laws, an act to amend and increase the school fund in certain
 counties 250, 273
 officers nominated 41, 131, 159, 173, 197, 257, 272, 293
 an act to legalize proceedings of 45th Regiment 78, 93, 135,
 152, 156
 115th Regiment 112, 134, 171, 195, 215, 244, 258, 268
 Woodford Guards Riflemen, an act for the benefit of 123, 215, 244,
 260, 283
 Danville Artillery, an act for the benefit of 149, 215, 244, 260, 283
 17th and 36th Regiments, a bill to legalize proceedings of 151, 157,
 244, 259, 268
 13th Brigade, a bill concerning 151
 Mills, an act to amend the law concerning the establishment of 185
 —see Slackwater.
 Mining Company, Kentucky, petition of 27, 61
 Ministers, resolution to invite, to open the Senate with prayer 24
 vote of thanks to 293
 Mitchell, Shadrack, Solomon King, and James Bailey, an act for their
 benefit 202, 240
 Money, an act for the appropriation of 284, 286, 298
 Morgan county, petition to add part of, to Johnson county 30, 180
 remonstrance 177
 Morgan, Bath and Montgomery, petition for a new county out of 60, 110
 —see Metcalfe.
 remonstrance against 96, 177
 Morgan and Montgomery, an act to run and re-mark the line between 197,
 240, 262, 298
 Muhlenburg and Boyle Circuit Courts, a bill to change the time of hold-
 ing 124, 160, 194, 219, 244, 259, 268
 Mulliken, George, an act for his benefit 236, 260, 283
 Ned, a slave, a bill providing for change of venue in prosecution against 238,
 290, 294
 149
 Nell, John, petition of
 Nelson, Thomas H., nominated commissioner to take acknowledgement
 of deeds, &c. 50
 276
 Newell, John, petition of
 New Liberty—see Towns.
 Newport—see Towns,
 Newport Seminary, a bill to amend acts in relation to 69, 102, 220, 242,
 259, 267
 Library Association, an act to establish 119, 152, 156
 Nicholas county—see Election, 27th District and Sheriffs.
 Nicholas, Samuel S., nominated Chancellor of the Louisville Chancery
 Court 50
 Notaries Public, nominated 50, 183, 214
 Obligors, joint, a bill concerning 151, 178, 246, 290, 295

- Officers of the Senate elected 4, 5, 6, 7, 8
 - a bill to reduce salaries of certain 33, 69, 102, 116
 - an act do. 156, 181
 - public, resolution to elect 74, 123
 - election of 125
- Offutt, Augustine B., an act for his benefit 160, 182
- Oldham county—see Constables.
- Owen, Robert, and E. R. Whitaker, petition of 27, 61
- Owenboro', a bill to authorize Daviess County Court to lease a part of public square in 148, 175, 209, 220
- Owsley county, petition to locate Seat of Justice of 27, 177
 - remonstrance against 128, 177
 - a bill do. 92, 124, 145
 - see Sheriffs.
- Paducah—see Towns.
- Palmer, Robert C., took his seat 29
- Parker, Thomas, &c.—see Sheriff of Lewis.
- Patterson, Mr., asked leave to report a bill 190
- Pedlers, an act to amend the laws concerning 99, 213, 244, 260, 283
- Penal Laws, an act to amend 49, 61, 74
- Pendleton and Campbell counties, a bill to run and mark the line between 195, 241, 289, 294
- Penitentiary, committee on appointed 26
 - report of committee on 161
 - a bill providing for final settlement with the late Keeper of 169, 191, 246, 252
 - an act concerning 261, 272, 297
 - resolution that the Clerk of the Senate deliver to the Attorney General evidence taken in relation to, &c. 274
 - report of Visitors of 23—and documents.
 - annual report of Keepers 29—and documents.
 - message of the Governor transmitting documents concerning 36—and documents.
 - communication of late Keeper 45
 - resolution for Governor to lay before the Senate appraisal of articles, &c., in, by Apperson & Bullock, and by Glover, &c., 47
 - Governor's report 70
 - Clerk of, nominated 50
- Pennington, Morton, an act granting a change of venue to 172, 182, 222, 237, 249, 273, 297
- Perkins, Henry, petition of 91, 150
- Perry county—see Sheriffs and Election Precincts.
- Phips, Jacob, and Charles Hammond, petition of 41
- Pierce, Hiram B., petition of 39
 - a bill providing for a change of venue in his case 51, 59, 69, 74
- Pike county—see Election Precincts.
- Port Oliver—see Towns.
- Port Royal Seminary, an act for the benefit of 197, 240, 260, 298

- Posey, Fayette, petition of 91
 a bill for his benefit 109, 122, 185, 210, 213
- Postage, resolution concerning 34, 56, 71, 85, 98
- Pottinger, Mary Jane, an act authorizing her to confirm the sale of a
 slave 53, 60, 71, 85, 98
- Prater, Archibald, petition of 90
- Prewitt, Mary Ann, an act for her benefit 65, 93, 130, 147
- Price, Robert and Mary, a bill for the benefit of 28, 36, 48, 54
- Princeton—see Towns.
- Privileges and Elections, committee on appointed 26
 report of members elected 191
- Property, a bill exempting certain, from execution 51, 62, 94, 249, 259, 268
 petition concerning 72
- Propositions and Grievances, committee on appointed 26
- Pryor, Wm., an act for his benefit 172, 182, 238, 260, 283
- Public Buildings, committee on appointed 26
 a bill for the protection of 37
 a bill authorizing improvement of Capitol Square 58, 144,
 242, 290, 295
- Public Offices, committee on appointed 27
- Public Officers, resolution to elect 74, 123
 election of 125
- Pulaski county—see Constables.
- Railroad Depot and Warehouse, an act to extinguish the title of Lex-
 ington to 107, 204, 244, 260, 283
 Lexington and Ohio, a bill to apply the rent of, to the Sinking
 Fund 121
- Rawlings, A., an act permitting him to erect a mill dam across Licking
 river 148, 192, 209, 220
- Ray, Foster, petition of 35
 a bill for his benefit 79, 171, 179, 192
- Read, William, Greenwell J., Ferrill, Roderick, petition of, to change
 fish trap on Beach Fork 99
 a bill do. 157, 245, 246, 259, 268
- Receiver of public money west of Tennessee river, nominated 293
- Releases of Contractors, a bill to obtain copies of 69, 92, 290, 295
- Religion, committee on appointed 26
- Rents, water, an act to facilitate collection on Green and Barren rivers 99,
 150, 261, 298
- Revenue Law, taxing watches, &c., a bill to repeal 24, 52
 an act to amend 197, 226, 279, 291, 298
 —see Tax and Clerks.
- Reynolds, John, an act for his benefit 53, 101, 173, 214, 237, 249
- Rice, Wm. Henry, petition of to change his name 176
 a bill do. 178, 261, 275, 293
- Richardson, Wm. H., an act for his benefit 78, 93, 114, 127
- Richmond Female Institute, an act to incorporate 34, 67, 112, 129, 147
- Rivers, Green and Barren, commissioners of, nominated 50, 293
 a bill to exempt flat boats from paying toll on 59

- Rivers, a petition to declare Little Barren, navigable 72
 a bill do. 133, 212, 257, 246
 a petition to change fish trap on Beach Fork 99
 a bill do. 157, 245, 246, 259, 268
 Green and Barren, an act to facilitate the collection of water
 rents on 99, 150, 261, 298
 Licking, petition of Contractors on 119, 129
 an act to authorize J. Asberry, &c., to erect a mill dam across 148,
 192, 209, 220
 Barren, an act to repair Lock and Dam No. 1, on 220, 241, 255, 265,
 298
 Kentucky, an act to regulate tolls on 236, 246, 256, 266
 Roads, resolution to enquire as to making tolls on, conform to U. S. coin 64
 bill do. 213, 221, 290, 295
 Turnpike, a bill to regulate tolls on 32
 a bill defining privileges of President and Directors of 34
 a bill to repeal do. 97
 resolution for Board of Internal Improvement to obtain informa-
 tion concerning 253
 an act to amend the law in relation to keeping in repair 283, 298
 acts, &c., concerning, &c., in Butler county 35
 Campbell Turnpike 128, 150, 159, 171
 Law in Campbell 148, 204, 237, 249
 from Canton to Mills' Point 221, 241, 277
 from Colemansville to Foster's landing 121, 221, 289, 295
 Covington, Georgetown and Lexington 119, 152, 156, 244, 246, 259,
 268
 Glasgow and Scottsville 59, 150, 217, 283, 289, 295
 in Greenup 41, 100, 130, 147, 261, 274, 297
 Hopkinsville and Morgantown 100, 160, 179, 192
 from Independence to Covington 75, 111, 160, 195, 209, 213
 Lancaster and Crab Orchard 48, 73
 Lexington and Covington 119, 152, 156, 244, 246, 259, 268
 Louisville and Elizabethtown 75, 152, 156, 244, 246, 259, 268
 from McAfee's landing to Frankfort and Crab Orchard road 96
 Owingsville and Big Sandy 148, 277, 297
 in Pendleton county 123, 132, 160, 179, 196
 Princeton to Centreville 178, 261, 273, 291, 295
 Wilderness 49, 67, 94, 130, 147, 148, 204, 137, 249
 Wilderness and Madison Fork 49, 132, 152, 356
 Winchester and Lexington 137, 206
 Robards, William A., a bill for his benefit 33, 92, 134, 171, 179, 192
 Roberts, Eliza Jane, and Oscar, an act to divorce, &c. 128, 141, 152, 156
 Robinson, Beverley, an act for his benefit 160, 181, 291, 298
 Rockcastle county, Sheriff of, nominated 142
 Rockcastle County Court, an act to regulate the time of holding 172, 182,
 238, 260, 283
 Rodes, Paulina G., and children, an act for their benefit 161, 182, 238, 276,
 297
 Rogers, Drury F., petition of Guardian of 116
 Rogers, Robert C., petition of 176

- Rogers, Robert C., a bill for his benefit 203, 275
 Rogers, Thomas, a bill for the benefit of administrator and heirs of 125, 288, 296
 91, 150
 Rose, William, petition of
 Rowena—see Towns. 9
 Rules, ordered to be printed 24
 committee appointed to revise 71
 Rule, additional adopted 28, 36, 51, 59, 69, 74
 Runaways, a bill to amend the law in regard to 213, 289, 295
 Russell county—see Sheriffs and County Courts.
 Russell's Creek, a bill declaring it navigable 65, 101, 130, 147
 Russellville, an act to authorize a Thespian Society at
 Salaries of certain officers, a bill to reduce 33, 69, 102, 116
 act do. 156, 181
 Salt, an act to prevent fraud in the sale of 60, 68, 77, 129, 148
 a petition for a law to regulate the inspection of 156, 215
 an act to amend the laws in relation to the inspection of 250, 273
 Salute, resolution to fire, on the 8th January 48
 Sanders, Philemon, an act for his benefit 283
 Schools, Common, report of Superintendent of 50, 214—and documents.
 Superintendent of, nominated 293
 resolution to appoint a committee to revise laws 34, 69
 a bill to reduce into one acts concerning, &c. 53, 68, 76,
 122, 155, 158, 170, 183, 242, 261, 275, 294
 petition for appropriation for, in Fayette county 90
 a bill for the benefit of districts in Fayette and Adair
 counties 102, 135, 171, 195, 210, 213
 an act to amend militia laws and increase School
 Fund in certain counties 250, 273
 49, 61, 143
 Seals, an act to repeal the law dispensing with, &c 78
 Secretary of State nominated 28
 Securities for costs, a bill concerning
 Seminaries, Bardstawn Female, a bill to incorporate 121, 134, 171, 179, 192
 Cloverport, a bill to incorporate 37, 79, 160, 179, 192
 Funk, an act to amend the charter of 245, 283, 298
 Newport, a bill to amend acts in relation to 69, 102, 220, 242,
 259, 267
 Port Royal, an act for the benefit of 197, 240, 260, 298
 Senate, organized 3
 officers of, elected 4, 5, 6, 7, 8
 resolution for Clerk of, to appoint assistant 4
 appointed 8
 resolution of to invite Ministers to open session of with prayer 24
 39
 Sexton, Thomas, a bill for his benefit 46, 146
 an act do.
 Sharon Presbyterian Church, an act to incorporate 123, 175, 209, 220
 Sharp, Linchfield, an act for his benefit 89, 157, 171, 179, 196
 Shelbyville Fire Company, an act further to regulate 172, 182, 262, 298
 Sheriffs, nominated 25, 27, 50, 111, 131, 132, 183
 a bill to give judicial sales to 181

- Sheriffs, acts, &c., concerning, &c.
- in Boone 136
 - in Bourbon 202, 240, 262, 265, 297
 - in Breckinridge 28, 36, 40, 52, 54
 - in Calloway 137, 151, 213, 244, 260, 283
 - in Christian 214
 - in Daviess 202, 240, 262, 297
 - in Fulton 214
 - in Garrard 145
 - in Grant 28, 30, 56, 71, 86, 91
 - in Graves 49, 101, 130, 148
 - in Green 113
 - in Greenup 59, 133, 290, 296
 - in Larue 137, 151, 213, 244, 260, 283
 - in Laurel 202, 240, 262, 297
 - in Lewis 202, 240, 251, 276, 297
 - in Marshall 137, 151, 213, 244, 260, 283
 - in Meade 172, 182, 278, 291, 298
 - in Nicholas 123, 213, 244, 260, 283
 - in Owen 202, 240, 262, 297
 - in Owsley 145, 257
 - in Perry 49, 101, 138, 148
 - in Russell 111
 - in Union 137, 151, 213, 244, 260, 283
- Singleton, Margaret J., petition of a bill for her benefit 113
- Silk Cocoons, a bill to repeal acts granting premium on 133, 160, 179, 192
- Sinking Fund, committee on appointed 196, 256
- reports of 25
- annual report of commissioners of 78—and documents. 188, 229, 274
 - resolution for committee on, to make certain enquiries in relation to action of Commissioners, &c. 138
 - report 207
 - resolution as to transferring duties of commissioners of 47
 - report 105
 - a bill to appropriate proceeds of land sold for taxes, &c., to 96, 259, 268
 - a bill to increase resources of, and to burn State bonds and coupons 127, 158, 195, 227, 288, 294
 - a bill authorizing a settlement with commissioners of, and President of the Bank of the Commonwealth 127, 158, 227, 289, 294
 - a bill supplying proceeds of sales of forfeited lands to 158, 175, 244
 - a bill prescribing duties of commissioners of, &c. 181, 235, 288, 294
- Skaggs, Stephen, and Sarah, an act for their benefit 202, 244, 262, 297
- Slackwater, an act for the benefit of owners of property injured by 111, 122, 132, 242, 290, 294
- Slaves, a bill to modify the law in relation to the importation of 24, 64, 75, 122, 152

- Slaves, an act to amend an act concerning 107, 212, 237, 249
 taken under execution, a bill to repeal an act to regulate the
 sale of 217, 243
 runaway, a bill to amend the law in regard to 28, 36, 51, 59, 69, 74
 Smallwood, Lois, an act for the benefit of 60, 116, 131, 147
 Smith, Burnly D., petition of 91
 an act for the benefit of, and Angel, James 78, 93, 108,
 122, 291, 298
 Smithland—see Towns.
 Snead, Sarah E., petition of her guardian 72
 a bill for her benefit 17, 289, 295
 Snowden, David, nominated Sheriff of Owsley 257
 Snyder, Samuel C., petition of 37
 a bill granting him a change of venue 56, 71, 86, 91
 Speaker, vote of thanks to 299
 Spencer Circuit Court, a bill to regulate the terms of 48, 79, 171, 195, 212,
 237, 246
 Spillman, H. E., petition of 123
 Spencer county—see Election Precincts. 149
 Spratts, James B., petition of
 a bill to amend an act to provide a change of venue 217,
 250, 259, 267
 240, 262, 265, 298
 172, 182, 263
 Squires, James, an act for his benefit
 St. Cecelia Society, an act to incorporate 172, 182, 263
 St. Paul's Protestant Episcopal Church in Newport, a bill to incorpo-
 rate 196, 276, 290, 295
 Stamping Ground—see Towns. 26, 27
 Standing committees, appointed
 Stanford—see Towns.
 Stapp, Sinclair, an act to divorce 202, 237, 260, 283
 Stark, L. B., an act for the benefit of 65, 116, 131, 147
 State Bonds, resolution requesting from the Governor information con-
 cerning the sale of certain, &c. 38
 report 80
 report referred 121
 second report of Governor 138
 select committee appointed to investigate the subject 141
 report 186, 201
 report of monthly payments of interest on 45
 six years, report concerning exchange of 45—and docu-
 ments.
 a bill to cancel by burning certain, and coupons 127, 158, 195,
 227, 288, 294
 37
 State Buildings, a bill for the protection of 221, 241, 277, 291, 298
 Station Camp Creek, an act to declare navigable 149
 Steele, J., petition of 196
 Stewart, Daniel, widow and heirs of, a bill for their benefit 221, 241
 Stinking Creek, an act to repeal an act declaring navigable 4
 Stonestreet, James, elected Clerk of the Senate 4
 authorized to appoint assistant Clerk 8
 assistant Clerk appointed

INDEX.

321

- Stout Simpson, committee on the claim of 47
- Surveyors, an act prescribing duties of 172, 182
- Surveyor's books of Henderson, a bill authorizing a transcript of 69, 133, 171, 195, 217, 244, 259, 268
- Surveyor of Kenton, John H. Armstrong, petition to legalize his acts as 156
- of Trigg county, a bill for his benefit 159, 180, 289, 294
- Sutton, Ishmael C., an act for his benefit 49, 61, 85, 98
- Tax, an act requiring duties of commissioners of, &c. 72, 101, 113, 129, 148
- Taylor, John Y., petition of guardian of heirs of 107
- a bill for the benefit of heirs of 174, 290, 295
- Taylorsville—see Towns.
- Tennessee, an act to adjust the boundary line between, and Kentucky, &c., and letter of Governor of 84
- a bill to run and re-mark a portion of the line between Kentucky and 144, 171, 179, 192
- Thespian Society at Russellville, an act to authorize 65, 101, 130, 147
- Thompson, George O., an act for his benefit 65, 111, 129, 148
- Thompson, John Q., an act for the benefit of the heirs of 49, 102, 130, 147
- Tilford, John, a bill for his benefit 48
- petition of 56, 296
- documents presented 72
- a bill authorizing a settlement with 102, 117, 290, 296
- Tilford, Thomas D., admitted as reporter 8
- Tolls—see Roads and Kentucky river.
- Tompkins, John, petition of 186, 275
- Tompkinsville Old School Presbyterian Church, an act to incorporate the Trustees of 41, 67, 77, 130, 148
- Towns, acts, &c., concerning
 - Augusta 177, 236, 268
 - Bardstown 119, 124, 160, 179, 196
 - Benton 34, 46, 69, 77
 - Blandville 33, 41, 56, 85, 98
 - Breathitt 53, 61, 71, 86, 91, 178, 289, 295
 - Burksville 172, 182
 - Columbia 158
 - Concord 197, 240, 298
 - Covington 65, 144, 161, 218, 275, 290, 296, 297
 - Harrodsburg 111
 - Lancaster 176, 218, 244, 260, 283
 - Lexington 89, 143, 179, 196, 181, 217, 289, 295
 - Louisville 65, 218, 275, 297
 - Madisonville 185, 290, 298
 - Maysville 78, 109, 143
 - New Liberty 89, 108, 129, 146
 - Newport 41, 102, 130, 147, 202, 240, 261, 297
 - Paducah 128, 238, 276, 297
 - Port Oliver 174, 250, 273
 - Princeton 119, 175, 250, 259, 268
 - Rowena 236, 274, 297
 - Shelbyville 172, 182, 262, 298

- Towns, acts, &c., concerning
 Smithland 172, 182, 219, 237, 249
 Stampingground 145, 221, 289, 295
 Stanford 116, 149, 161, 265, 284
 Taylorsville 27, 29, 36, 71, 86, 91
 Versailles 149, 175, 209, 220
- Transylvania University, a resolution to appoint a committee to examine
 amine 29, 33, 34, 39, 52, 54
 committee appointed 70
 report 256—and documents.
- Treasurer, annual report of 26—and documents. 272
 securities of approved
- Trespasses on real estate, a bill to provide a remedy against 48, 104, 174, 273
- Trigg county, a bill for the benefit of Surveyor of 159, 180, 289, 294
- Trimble county—see Justices. 30
- Trimble, Edwin, petition of 55, 71, 86, 91
 a bill for his benefit 161, 182
- Trinity Church of Covington, an act to incorporate
- Tudor, Morris, an act for the benefit of his widow and heirs 65, 175, 209, 220
- Unfinished business, a motion to lay on the table 291, 292
 committees discharged from 292
- Union county, a bill to incorporate the Henry Clay Institute in 136, 174, 249, 259, 267
 —see Sheriffs.
- Union White Sulphur Springs Company, a bill to revive an act to incorporate 136, 174, 250, 273, 295
 a bill to repeal the 10th section of said act 284, 296
- United Baptist Church in Garnettsville, an act to incorporate 197, 240, 262, 298
- United German Protestant Church in Louisville, an act to incorporate 197, 240, 276, 291, 298
- Venable, James, an act for his benefit 65, 102, 130, 147
- Venue, resolution to enquire as to passing a general law concerning in criminal cases 152
- Versailles—see Towns.
- Vickers, John, an act for his benefit 49, 67, 85, 98
- Wagoner, John C., and the heirs of G. Munday, an act for the benefit of 60, 68, 85, 98
- Ware, Nicholas, petition of heirs of 123
- Washington and Marion, a bill to change the line between 129, 151, 244, 259, 268
- Wayne county, a bill to add to the 8th Judicial District 75
 —see Justices.
- Webb, Charles H., petition of the administrator and widow of 120
 a bill for the benefit of the estate of, &c. 177, 261, 273, 298

323

Wells, Abraham, a bill for the benefit of the widow and heirs of	92, 290, 296
Wells, Mary C., executrix, petition for her to convey land	39
Western Baptist Theological Institute at Covington, a bill to amend an act to incorporate	127, 134, 171, 179, 192
Whiskey, &c., petition to appoint inspectors of	161
Whitaker, John W., an act for his benefit	149, 215, 237, 249
Whitaker, Mark, petition of	129, 150
White, Daniel P., a bill for his benefit	174, 290, 295
White, John, nominated Judge	212, 245, 250
Whitcotton, M. S., an act to change her name	39, 46, 70, 77
Whitesides, Nancy, a bill for the benefit of her heirs	178, 261, 275
Whitesides, Election Precincts, Justices and Constables.	28
Whitley county—see Election Precincts, Justices and Constables.	
Whitley, John, a bill for his benefit	
Wharton, John R., and the heirs of William Clements, a bill for their benefit	227, 289, 294
Widows of Larue county, an act for their benefit	78, 93, 114
Williams, Charles, a bill for his benefit	96, 135
Williams, James, an act to change venue	160, 182, 221, 244, 260, 283
Williams, Pleasant, heirs of, a bill for their benefit	174, 290, 295
Wilson, Constant A., petition of	66
a bill for the benefit of	74, 112, 131, 150
Wilson, Susan M., an act for her benefit	49, 60, 71, 85, 98
Wilman, George, nominated commissioner to take acknowledgement of deeds, &c.	50
Witnesses attending County Courts, an act to amend the law in relation to, the claim for attending	185
Woodford Guards Riflemen, an act for the benefit of	123, 215, 244, 260, 283
Wooldridge, C. S. W., a bill to change her name	36, 40, 52, 54
Wooldridge, John W., a bill for the benefit of heirs of	174, 249, 259, 268
Yantis, Jesse, Elijah McWharter and John Beaty, an act for their benefit	202, 240, 262, 297